

JACK KINGSTON
1st District, Georgia

WASHINGTON OFFICE
1507 Longworth Building
Washington, DC 20515
(202)225-5831

BRUNSWICK OFFICE
Federal Building, Room 304
Brunswick, GA 31520
(912)265-9010

Committee On Appropriations

AL-9601768



Congress of the United States
House of Representatives

July 30, 1996

SAVANNAH OFFICE
6605 Abercorn St., Suite 102
Savannah, GA 31405
(912)352-0101

STATESBORO OFFICE
Federal Building, Room 220
Statesboro, GA 30458
(912)489-8797

WAYCROSS OFFICE
208 Tebeau Street
Waycross, GA 31501
(912)287-1180

Environmental Protection Agency
8th Floor, West Tower
401 M Street, S.W.
Washington, DC 20460

Dear Sir/Madam:

One of my constituents, Mr. *Spule* has contacted me regarding a matter in which I believe your agency could be helpful. Therefore, the enclosed communication is submitted for your review.

I would very much appreciate your responding to the points raised by Mr. Morris, and providing any assistance available under the applicable laws and regulations.

The contact person on my staff for this case is Trish DePriest. She can be reached at (912) 352-0101.

Thank you very much for your consideration and for advising me of any action you take in this matter.

Sincerely,

Jack Kingston
Member of Congress

Please reply to:

Congressman Jack Kingston
6605 Abercorn St., Suite 102
Savannah, Georgia 31405
ATTN: Trish DePriest

received
8/7/96 Rke



Refrigeration Station Inc.

317 South Columbia Ave. # 3

P. O. Box 1383

Rincon, Ga. 31326

(912) 826-4185

800-693-7366

Fax (912) 826-4197

July 30, 1996

JUL 30 REC'D

The Honorable Jack Kingston
United States Congressman
Enterprise Building, Suite 102
6605 Oberconen Street
Savannah, Georgia
Postal Zone 31405

My Dear Congressman Kingston:

At the request of my Strategic Planner and Business Development Consultant, William Carr, of the Bennington Business Development Group (copies of profile enclosed), I am petitioning your office to follow the trail of a request I have made to the United States Environmental Protection Agency (EPA) pertaining to an opportunity for this Company to import a product referred to as R-12, UN#1028.

R-12, UN#1028 is a recycled refrigerant processed by a number of foreign companies. The EPA has a standing procedure to honor requests to import the product from a number of foreign countries that have agreed to abide by dictates to meet the standards established by the Agency for distribution in the United States. The request (a copy of which is also enclosed) is the basis for what will hopefully become a substantial part of this Company's gross sales activity for the distribution of R-12 in the years ahead.

Refrigeration Station commenced business activity in December, 1994. In the ensuing 19 months we have gone from a zero base to a multi-million dollar company with sales projected to reach 8 - 10 million this fiscal year. A preponderance of the sales activity is in the distribution of refrigerants to a sizable clientele throughout the four corners of the United States. As a result of our growth, which is expected to rise rapidly over the next five year period, we have been able to increase our personnel from a one person shop to the present staff numbering 10, and expect to see it grow proportionately as our sales climb.

I ask for this assistance, not because I expect the EPA to cause rejection of the formal request sent, but to assure that no one from EPA proceeds to give the request less than the speedy attention due it. It's all too important to see this initial effort proceed to a successful conclusion as it sets the precedent for an ongoing effort to replicate the process from a number of other countries that have been placed on the EPA's approval list for the importation of the product in question.

Specializing in Thermo King Sales & Service



Refrigeration Station Inc.

317 South Columbia Ave. # 3

P. O. Box 1383

Rincon, Ga. 31326

(912) 826-4185

800-693-7366

Fax (912) 826-4197

The United States Environmental Protection Agency.
6205J 401 M Street, SW
Washington, D C

Attention: Tom Land

Telephone: 202-233-9185

Reference: Petition to Import previously used R12, UN# 1028 by:

Refrigeration Station Inc.
317 South Columbia Ave. #3
Rincon, Georgia
31326
(912) 826-4185
(912) 826-4197 fax

Contact: William Morris

Dear Mr. Land

As per Section 40 CFR Part 82, of ES EPA, Protection of Stratospheric Ozone regulations, please accept this letter as a formal request to petition the US EPA, for permission to import previously used and reclaimed R12 from Canada to the U.S. The shipment will consist of 6,000 lbs. of R12. The used R12 has been reclaimed to ARI-700-95 standard of purity as per US resale regulations.

The R12 has been processed at the reclaim facility of:

Protocol Resource Management Inc.
83A Advance Road
Toronto, Ontario
Canada
MBZ 280

The R12 has been recovered from the following locations/sources:

1.) Confederation Heights Building, Public Works Canada, Ottawa, Ontario
used refrigerants recovered by Carrier Canada, Ottawa, Ontario, contact Jim Dahmer,
513-820-0720 approx. 3248 lbs. (R12 to 134A chiller conversion)

I wish to thank you in advance for your consideration of my petitioning your office to follow the trail of our request to the EPA. If there are any questions that I can assist on please have someone contact me at (800) 693-7366. I will do whatever is needed to make the effort easier.

Sincerely,

A handwritten signature in dark ink, appearing to read 'William D. Morris', with a long horizontal flourish extending to the right.

William D. Morris
President

Enclosures

REFRIGERATION STATION, INC.

EXECUTIVE SUMMARY

FOR

CAPITAL FORMATION

PROGRAM

Prepared By:
W.R. Carr
The Bennington Group
April, 1996

EXECUTIVE SUMMARY

CURRENT OBJECTIVE

Refrigeration Station, Inc. (The "Company" or "RSI") is seeking a capital infusion of \$250,000.00 to move forward in its strategic plan of development for 1996. The Company's management believes that it can become one of the top five (5) distributors of refrigerants in the United States to the trucking and peripheral related industries, i.e., buses, recreational vehicles, boating, etc. A five year proforma has been drafted showing projected sales and net profits before applicable income taxes as follows:

<u>Year</u>	<u>Sales</u>	<u>Net Profits</u>
1996	\$ 9,405,539	\$ 890,257
1997	14,514,000	1,319,070
1998	16,333,140	1,602,963
1999	18,211,614	1,700,731
2000	19,174,715	1,764,516

The sales goal is to reach the 20 Million Dollar level by the end of the year 2000.

MISSION

RSI's near-term mission is to establish a strong growth oriented, profitable, and near-monopolistic business by becoming a high profile player in the distribution of refrigerants throughout the United States to the trucking industry. The major focus of its efforts will be dedicated to expanding its nationwide marketing of sales and services as a provider of refrigerants and refrigeration supplies. It will also establish a sales and service facility in the Savannah metropolitan area for over-the-road truck trailers and refrigerated vans to provide a highly competitive presence in the major commercial highway corridor between the citrus and produce growing and processing belts in Florida and the densely populated Eastern Seaboard region. The Company's long-term mission is to optimize its business opportunities and facilities for the benefit of its customers, its employees, vendors, its business and community neighbors, and its stockholders.

BACKGROUND

RSI was formed in December, 1994, by William D. Morris, its founder and current sole stockholder. Mr Morris had a vision of providing a bulk refrigeration service to the trucking industry whereby he could capitalize on the nearly ten years of industry experience acquired in management positions for Thermo King, the world leader in temperature control refrigeration.

The founder wisely chose to focus his efforts on the sequence of the industry he knew best - the sale of refrigerants and refrigeration repair. He secured the services of two talented individuals with extensive certifications and training in the standards required by the industry to become the nucleus of the Company's service staff.

Being undercapitalized from the start, the Company achieved a phenomenal first year of sales activity and net profits. Sales passed slightly over the \$4 Million dollar mark and net profits were \$448,055 or approximately 10.7%. However such growth strides also bring with it significant capital requirements to sustain continued development to replicate the initial year's achievement. Raising capital through local financial banking resources has proven difficult and exacerbated by banking officials who haven't shared RSI's management's visions.

The Company is turning to private channels for investment and is in the process of raising up to \$250,000 by offering to sell a block of its unissued Common Stock. Management believes the time is ripe to capitalize on growth factors in the marketplace and needs to secure a capital infusion to fulfill the projected penetration of the markets available.

BUSINESS RATIONALE

During the past few years, environmental and economic forces have radically changed the face of the refrigeration business. Environmentalists have caused havoc in the use of certain refrigerant products bringing about stringent regulations in the use and transport of such products. While this governmental intrusion on private enterprise has resulted in downsizing and re-engineering, it has also brought about new cultures in the need to develop new concepts for the germination of up-graded products and provided a fresh wave of entrepreneurs who can dedicate resources to the transformation from a fragmented pool of providers to one whereby a few strongly motivated companies would gain rapid acceptance within the industry. RSI has, in its short lifespan, achieved a position of strong endorsement for the providing of a dedicated service to the customer, one that has been both cost effective and time sensitive to the customer.

PRODUCTS

RSI sells several types of refrigerants as follows:

<u>Type</u>	<u>Price</u>	<u>Percent of Sales</u>	<u>Usage</u>
R-12	\$ 8.00	70.0%	Trailers/Pre-1994 Autos (0°F)
502	11.00	20.0%	Trailers/Frozen Foods (-20°F)
134A	3.00	7.0%	Auto - 1994 Models on (65°F)
22	1.00	3.0%	Home AC (60°F)

In the future, a new product R404A (-20°F) will replace the current 502 refrigerant. This has been necessitated due to the so-called Montreal Protocol established a few years ago. New standards were adapted to ultimately replace many of the current products with high CFC pollutants and ozone depletion characteristics, with newer products. The problem has been one of implementation due to the conversion cost on refrigeration units used on trailers and refrigerated vans. However, by the year 2000, all refrigerated units will have to be converted. RSI is posturing itself to be a leader in the industry providing the conversion service necessary to meet the monumental task dictated by the new regulations.

NOTE: RSI is engaged in a dialogue with a major international resource, through their emissary here in the United States, to become one of only three or four distributors in the Country to provide a new product, FREEZONE, which has been "proposed acceptable" by the Environmental Protection Agency, as an alternative to R-12. FREEZONE has so many plus-sided factors attached to it that once the marketplace realizes its capabilities, and the fact that it can be purchased for a projected cost of around \$8.00/lb. versus the \$11.00/lb. cost for C-12, demand will accelerate rapidly.

Management is devoting a considerable amount of time and effort to securing a favored status position to become one of the limited group of distributors selected for this product. If successful, it will require purchasing container ship bulk loads, having the product transported to a bottle packager and private labeled under the RSI name. This will result in the need for a further infusion of capital to underwrite the formation of a proposed subsidiary which would be responsible for the purchasing, marketing and distributing of the FREEZONE product.

In addition to bulk refrigerant products, the Company is currently engaged in rebuilding engines and compressors, sales of new and used refrigeration units, refrigeration parts, insulated bulkheads, and accessories, cargo control equipment, cab walks, return air bulkheads, refrigeration chutes, curtain systems, pallet wraps, and doors and lids for freezer boxes.

NEW DEALERSHIP

The Company will be moving into new quarters in June. The facility located on Route 21 near the entrance to the Savannah Port Authority, is currently being used by an over-the-road truck dealership with a recognized national franchised name identity. The main building has five (5) bays for service and repair work, a large parts counter, tool crib and storage area. It is connected to an office complex having sufficient space to accommodate administrative and sales functions needs for the foreseeable future. The entire complex comprised approximately four (4) acres, is totally secured by wire link fencing, has attention grabbing roadside signage, and provides open yardage space to inventory up to one hundred (100) trailers or refrigerated vans. A three year lease has been negotiated with the facility's owner which also provides for a two (2) year option. Management believes that this facility will be large enough to meet the company's needs through the next five (5) years of projected business activity.

The current occupant will be relocating to a newly constructed complex at the junction of Interstate 95 and Highway 21. As part of the lease agreement, verbal authorization has been given to allow RSI to have a satellite sales office and a small inventory of new trailers or refrigerated vans located there to complement the new truck sales and service complex.

Recently, as a result of securing the above sales and service facility, the Company entered into an agreement with Wabash Trailer Manufacturing Company to become both a certified new parts dealer and an associated dealer for new full size trailers and refrigerated vans through Wabash's statewide dealer located in Atlanta. It also has obtained a new dealer designation for Morgan Trailer Manufacturing Company for short size cab vans and refrigerated box vans. Both Wabash and Morgan are highly respected names in the truck trailer manufacturing industry for providing top-rated quality products.

Additionally, the Company has entered into an agreement with PLM International, Inc., a fully diversified equipment leasing and financial services company, to stockpile PLM's trailer and van inventory. The inventory which will be coming off PLM leasing contracts in the Savannah-Jacksonville corridor will be on consignment to RSI. The Company will be able to sell from the consigned inventory and will be able to retain all monies attained above PLM's booked value of individual pieces of equipment.

To become a full-service dealership for its customers, the Company has signed a wholesale and retail financing agreement with Associates Commercial Corporation and a retail financing agreement with ORIX Credit Alliance, Inc. Both financial institutions are recognized as leading providers of financial products for the trucking industry. Creditworthy customers will be able to buy and trade new and used trailer and refrigerated vans, as well as service and repairs, with the knowledge that financing will be available, if desired, through the Company's financial resources.

MARKETING

1994, the most recent year of activity information available for the refrigerated carrier industry, was a record year, according to Refrigerated Transporter, an industry trade journal. There is no reason to believe that 1995 was any different, or that 1996, and future years, will not continue to achieve greater activity. Regardless of the overall national economy, the populace has to consume food products be it produce, meats, fish or kindred products. Transportation is necessary to get food products to market whether by refrigerated vans for produce, meats, fish and frozen foods or dry vans for dry goods. Refrigeration will always be needed thus placing the Company in a somewhat recession proof environment.

The Company's management sees its future growth as being not so much on the capability to provide the products and services to the industries it covers but far more on its ability to put appropriate financing into place to support the potential business activity. RSI is geographically well-positioned in the center of the hottest most traveled commercial corridor of the East Coast for the food industry. With the heavy transport of produce and other food products from the southern tier of the Country to the East Coast, the Savannah area becomes a hub of transporter activity.

To make sure the transporters are aware of RSI, billboards have been placed north and south of the Interstate 95 and Route 21 Interchange (#19). Advertising spots are carried on local country-western radio stations, television promos in prime time slots, and newspaper ads generally in the sports sections. Every effort is made to attract viewer or reader attention to the Company's services and products and all advertising mediums are targeted to the particular prospective customer the Company wants, namely the transporter.

While advertising via billboards, radio, television and newspapers captures the local market's attention, a far more unique method of advertising is done to reach out to all corners of the Country. For several months now RSI has sent out fax notices to over 3500 purchasing agents in companies that have need for refrigerants. This method of advertising has paid enormous dividends as sales in the Company's first year of operation went from zero to over 4 Million dollars of which refrigerant sales accounted for over 90 percent.

Each week the Company sends out between 500 and 1000 faxes with a goal of completing the complete cycle of 3500 within each thirty day period. The program will be increased as identification of more users of refrigerants becomes available. This will result in faster market penetration, be extremely cost-effective, and provide real-time information on customer needs. In turn "partnering" opportunities with major wholesalers of refrigerants will be pursued to arrange favorable pricing schedules in line with market supplies and availabilities.

MANAGEMENT

William D. Morris, 31, founded the Company in 1994, and serves as Chairman and President with responsibilities for all phases of management. Mr. Morris has served in management positions for several companies associated with the refrigeration industry in North Carolina and Georgia, and is most recognized for his successful achievements in building sales to record breaking levels.

Charles E. Woodward, 31, joined the Company as Executive Vice President in September 1995, from a distinguished career as an officer in the United States Army where as a helicopter pilot he participated in the Persian Gulf War with meritorious service. Utilizing his administrative skills, honed while in charge of Army operations units, Mr. Woodward has transgressed those skills to RSI where he is primarily responsible for developing marketing programs and operational procedures.

Robert J. Boyd, 24, became associated with the Company in early 1995. He serves as Operations Manager and is responsible for overseeing the service and repair work schedules both for shop operations and the mobile repair fleet. Mr. Boyd is a fully certified mechanic in all phases of refrigeration.

Messrs. Morris, Woodward and Boyd, serve as Directors of the Company as well. The Company also has two additional mechanics with full certification in refrigeration equipment repair, and an administrative assistant who is responsible for a variety of office functions.

There are a number of external professional resources retained by the Company. These resources provide strategic planning, capital formation, financial documentation and strategizing, legal and insurance counseling.

CAPITALIZATION DEAL

The objective at this time is to propel the company into a prominent market position. Within a period extending anywhere from one year to three years, RSI will be in a suitable position for maximizing the value of its net worth which in turn will provide appreciated growth for its stockholders. In order to obtain this goal, the Company will make available 500,000 shares of its Common Stock to raise the projected 1996 working capital needs. The plan might have "puts" and "calls" options which will allow the infused capital to be exited with anticipated appreciation value over a course of three (3) to five (5) years. Management is postured to negotiate a suitable arrangement with one or more interested parties.

EMPLOYMENT OF CAPITAL

Assuming success is attained on securing the full \$250,000 capital infusion, the funds will be expended in the manner prescribed below. Any level below the full infusion of capital being sought will require allocation of funds on a priority basis with inventory items taking the highest priority.

New parts inventory	\$ 25,000
Equipment for new facility	25,000
Two new mobile repair vehicles	40,000
Anticipated leasehold improvements	15,000
Marketing and sales	10,000
New staffing personnel	45,000
Refrigerant inventory	<u>90,000</u>
Total	<u>\$250,000</u>

ANTICIPATED REWARD

The Company, although only into the early stages of its second year of existence, is being positioned for several years of accelerated growth. It services one of the growth industries worldwide for entry into the twenty-first century and beyond. The present management and staff are young and aggressive. With a limited number of well-trained new personnel, the Company can increase its projected revenue stream five-fold by the year 2000. A plan has been devised and is being implemented, to diversify the customer base allowing for new areas of profit. The ground work is being laid to propel the Company into a dominant position in serving the entire trucking and peripheral industries for their refrigerant needs and on a local/regional level to provide a competitive environment in the trailer and refrigerated van business.

THE ONE MISSING INGREDIENT NEEDED IS AN INJECTION OF FRESH CAPITAL TO FINANCE THIS PROJECTED GROWTH. AN INFUSION OF \$250,000 OF NON-ENCUMBERED CAPITAL WILL BE THE CATALYST TO ACHIEVING THE OVERALL MISSION OF THE COMPANY.

This executive summary plus other documents such as financial statements, proforma projections, agreements with manufacturers and suppliers, financing agreements, and corporate records, are all available for review by interested parties wishing to perform a "due diligence" effort as a step towards participating in the Company's capital formation program.

IMPORTANT NOTICE:

THIS DOCUMENT IS NOT AN OFFER TO SOLICIT THE SALE OF ANY OF THE COMPANY'S SECURITIES. IT IS SOLELY AN INFORMATIONAL DOCUMENT ELUDING TO THE FACT THAT THE COMPANY IS FORMULATING A CAPITAL FORMATION PROGRAM. ANY PARTY OR ENTITY INTERESTED IN KNOWING MORE ABOUT THE CAPITAL FORMATION PROGRAM SHOULD CONSULT THE COMPANY'S MANAGEMENT AND ITS DESIGNATED EXTERNAL RESOURCES FOR FURTHER INFORMATION.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 23 1996

OFFICE OF
AIR AND RADIATION

Honorable Jack Kingston
House of Representatives
Washington, D.C. 20515

Dear Congressman Kingston:

Thank you for your letter of July 30, 1996, regarding the concerns of your constituent, *Mr. [unclear]* Mr. [unclear] is concerned about a petition, submitted to the Environmental Protection Agency (EPA), for the import of used R-12 refrigerant from Canada. We hope that the following discussion will address Mr. [unclear] concerns.

In the Federal Register published May 10, 1995, EPA established a petition process for importing *used* class I controlled ozone-depleting substances. The petition process is designed to mitigate against potential fraud and illegal imports of controlled substances claimed to be previously used.

A person wishing to import used class I controlled substances must submit a petition to EPA at least 15 working days before the shipment is to leave the country of export. EPA has 15 working days to review the information provided in the petition. In evaluating the petition, EPA needs to independently verify whether the controlled substance to be imported was, in fact, previously used by contacting people in the foreign country.

EPA reviewed the petition from Mr. *Mr. [unclear]* and independently verified the previous use of the material. Enclosed is a copy of the "non-objection notice" for the import.

Thank you again for your interest in this vitally important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul M. Stolpman".

Paul M. Stolpman, Director
Office of Atmospheric Programs

Enclosure



Cong. Kingston (GA) request for meeting on Tronox 
Sven-Erik Kaiser to: Adam.Sullivan, Mike.Donnal

08/07/2012 11:11 AM

Adam and Mike,
Thank you for the inquiry. I'll give Mike a call to discuss setting up the requested meeting. Please let me know if any additional questions. Best,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: "Sullivan, Adam" <Adam.Sullivan@mail.house.gov>
To: Monee Gardner/DC/USEPA/US@EPA
Cc: "Donnal, Mike" <Mike.Donnal@mail.house.gov>
Date: 07/30/2012 12:49 PM
Subject: Meeting with Congressman Jack Kingston (GA-01)

Monee, thank you for helping us schedule a meeting. Congressman Kingston would like to meet with the appropriate points of contact at the EPA during the week of September 10 if possible to receive a status update on EPA's review of the State of Georgia's sale of a chemical plant, formerly owned by Tronox, in Savannah, GA. We understand the State has completed its process to proceed with the sale, and the EPA now has a role in approving it. We would like to know the nature of the review process, the timeline, and any other status information available. I also copied Mike Donnal of our legislative staff as an additional point of contact on this issue for our office. Thank you for your assistance in bringing this together. Please let us know if you have any questions. We look forward to hearing from you.

Best regards,

Adam Sullivan

Adam Sullivan
Chief of Staff
Office of Rep. Jack Kingston
2372 Rayburn HOB
Washington, DC 20515



RE: Congressman Kingston Meeting Next week
Donnal, Mike
to:
Carolyn Levine
12/13/2012 11:27 AM
Hide Details
From: "Donnal, Mike" <Mike.Donnal@mail.house.gov>

To: Carolyn Levine/DC/USEPA/US@EPA

LEVINE
responsive docs
EPA-HQ-2013 -
005742

History: This message has been replied to and forwarded.

1 Attachment



image001.gif

Could we look to schedule something for the week of Jan 14, or Jan 21? We just aren't sure whether (although on the House Calendar we are supposed to be in session Jan 3-4) the House will be in session that first week in January.

Of the weeks of Jan 14 and 21, Congressman Kingston would be available Tuesday or Wednesday of those weeks.

Thanks-

Mike

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov]
Sent: Wednesday, December 12, 2012 5:33 PM
To: Donnal, Mike
Cc: Wise.Allison@epamail.epa.gov
Subject: Fw: Congressman Kingston Meeting Next week

hi Mike,

Per my email below, our Regional Administrator Gwen Keyes Fleming, is available to meet with the Congressman Kingston on January 3rd or 4th in DC. Does one of those days work?

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

----- Forwarded by Carolyn Levine/DC/USEPA/US on 12/12/2012 04:49 PM -----

From: Carolyn Levine/DC/USEPA/US
To: "Donnal, Mike" <Mike.Donnal@mail.house.gov>
Cc: Allison Wise/R4/USEPA/US@EPA
Date: 12/10/2012 05:16 PM
Subject: RE: Congressman Kingston Meeting Next week

hi Mike,

I am looping in Allison Wise, Director of our Congressional shop in EPA region 4. Unfortunately, our Regional Administrator is on travel and then out of the office after next Wednesday through January. However, if the Congressman is in Savannah next Thursday Dec. 20, by chance, we might be able to schedule a meeting there. Otherwise, we can look at dates the first week of January. Please let us know what works best on your end.

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

"Donnal, Mike" ---12/10/2012 03:11:23 PM---Okay, thanks for getting back to me. Since it sounds like this week wont work, the preferable dates

From: "Donnal, Mike" <Mike.Donnal@mail.house.gov>
To: Carolyn Levine/DC/USEPA/US@EPA
Date: 12/10/2012 03:11 PM
Subject: RE: Congressman Kingston Meeting Next week

Okay, thanks for getting back to me. Since it sounds like this week wont work, the preferable dates for next week would be either Tuesday or Wednesday (preferably Wednesday).

Thanks again and talk to you soon-

Mike

From: Levine.Carolyn@epamail.epa.gov [<mailto:Levine.Carolyn@epamail.epa.gov>]
Sent: Monday, December 10, 2012 1:37 PM
To: Donnal, Mike
Subject: Re: Congressman Kingston Meeting Next week

hi Mike,

Our regional Administrator is on travel this week with the Administrator, so we will not be able to arrange a meeting this week. I am still waiting to confirm availability and also receive an update on the issue since there are several parties involved. We are waiting to hear back from the Trust regarding the status of the bankruptcy activities.

I will let you know once we have some available dates.

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

"Donnal, Mike" ---12/07/2012 04:05:47 PM---Carolyn- Have you heard anything regarding the possible meeting with Congressman Kingston next week

From: "Donnal, Mike" <Mike.Donnal@mail.house.gov>
To: Carolyn Levine/DC/USEPA/US@EPA
Date: 12/07/2012 04:05 PM
Subject: Congressman Kingston Meeting Next week

Carolyn-

Have you heard anything regarding the possible meeting with Congressman Kingston next week (preferably Wednesday Dec 12)?

Thanks-

Mike

Mike Donnal
Office of Rep. Jack Kingston (GA-01)
Rayburn 2372

11-001-3062

Congress of the United States
Washington, DC 20515

July 27, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Dear Administrator Jackson,

We are writing you to express our concerns with the implementation of the Oil Spill Prevention, Control and Countermeasure (SPCC) rule for farmers and ranchers.

As you know, the SPCC regulations would apply to any facility with an above-ground oil storage capacity of at least 1,320 gallons in containers holding more than 55 gallons. We are concerned with current circumstances that we feel are not conducive to effective compliance, or achieving the goal of SPCC regulations.

In order to comply with these guidelines, many farmers and ranchers will need to undertake expensive improvements in infrastructure and must hire engineers to meet specific criteria. At this time, most agriculture producers are hard-pressed to procure the services of Professional Engineers (PEs). Many producers have reported that they are unable to find PEs willing to work on farms. Additionally, some states do not have a single qualified PE registered to provide SPCC consultation. The scarce availability of engineers calls into question the viability of achieving the goal of full compliance by November 2011.

As you have travelled to farms and rural communities in the Mid-south and Midwest, you have seen first-hand the hardship facing farmers due to the devastation wrought by floods and severe weather. Farmers and ranchers are dealing with crop losses to the tune of billions of dollars and have been working around-the-clock to clean up the damage and preserve what little crops they have left. At this time, it is simply not within the means of many farmers to deal with losses while allocating time and money towards complying with SPCC regulations.

Recently, the EPA and the U.S. Army Corps of Engineers released draft guidance that drastically expands the agencies' authority in terms of the waters and wetlands considered "adjacent" to jurisdictional "waters of the United States" under the Clean Water Act. Many farmers and ranchers are worried that this guidance will force compliance with the SPCC, without the necessary time to do so. We believe that producers want to be in compliance, but the delay of assistance documentation has severely constrained their ability to make the necessary preparations.

In addition, the EPA has yet to provide clarification regarding who is responsible for maintaining the plan, as many farms are operated by those who do not own the land. Many farmers and ranchers are also unsure of how the EPA will enforce the rule.

Before moving forward, we ask that you ensure a process free of confusion and overly burdensome rules that might disincentivize SPCC compliance. By nature of occupation, family farmers are already careful stewards of land and water. No one has more at stake than those who work on the ground from which they derive their livelihood. We respectfully request that you reconsider the SPCC implementation deadline, continue to dialogue with the agriculture community and its stakeholders, and ensure that the rule is not overly burdensome or confusing. We believe this would help avoid unintended consequences. We appreciate your attention to this important matter.


Sincerely,



Rick Crawford
Member of Congress



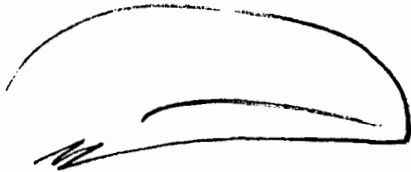
Stephen Fincher
Member of Congress



Steve Womack
Member of Congress



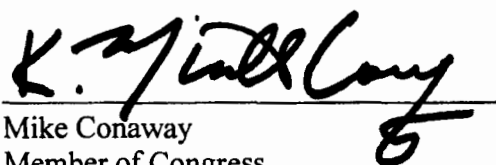
John Carter
Member of Congress



Scott DesJarlais
Member of Congress



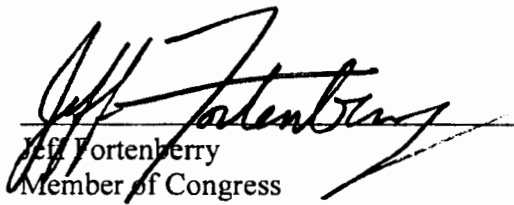
Steven Palazzo
Member of Congress



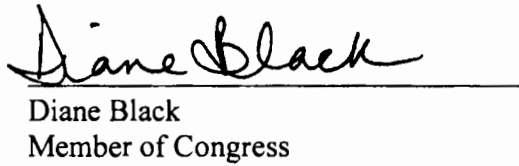
Mike Conaway
Member of Congress

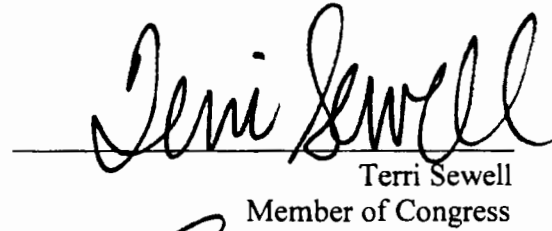


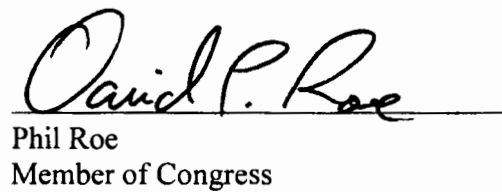
Brett Guthrie
Member of Congress

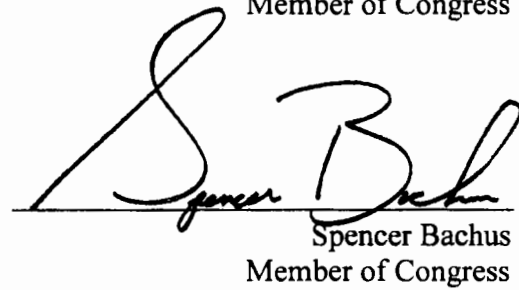

Jeff Fortenberry
Member of Congress

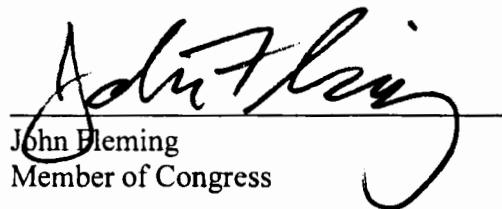

Walter Jones
Member of Congress


Diane Black
Member of Congress

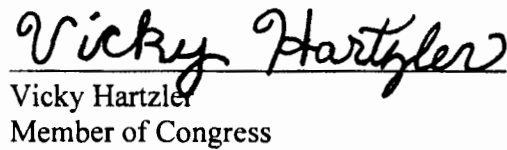

Terri Sewell
Member of Congress



Phil Roe
Member of Congress


Spencer Bachus
Member of Congress

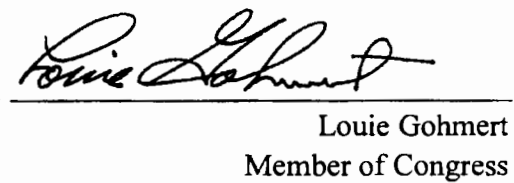

John Fleming
Member of Congress

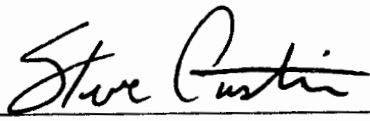

Marsha Blackburn
Member of Congress


Vicky Hartzler
Member of Congress

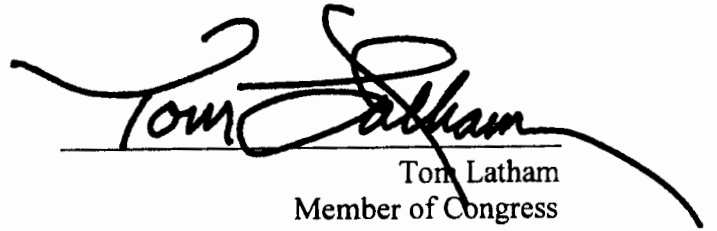

Cory Gardner
Member of Congress


Steve King
Member of Congress

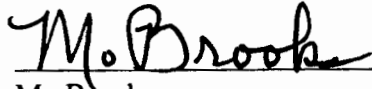

Louie Gohmert
Member of Congress



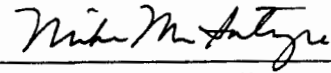
Steve Austria
Member of Congress



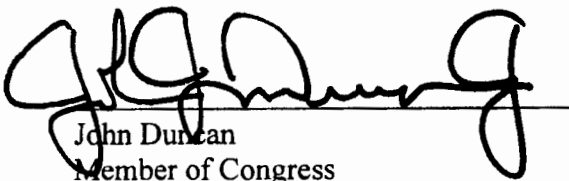
Tom Latham
Member of Congress



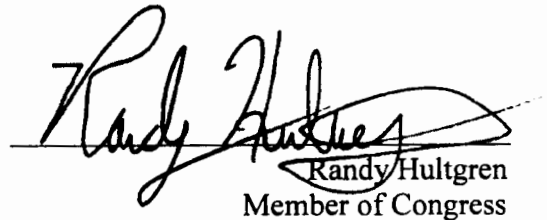
Mo Brooks
Member of Congress



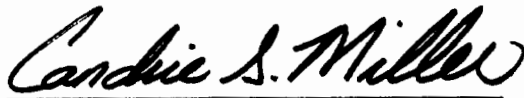
Mike McIntyre
Member of Congress



John Duncan
Member of Congress



Randy Hultgren
Member of Congress



Candice Miller
Member of Congress



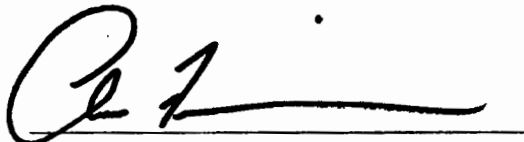
Lynn Jenkins
Member of Congress



Francisco "Quico" Canseco
Member of Congress



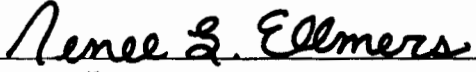
Todd Akin
Member of Congress

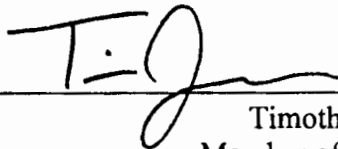


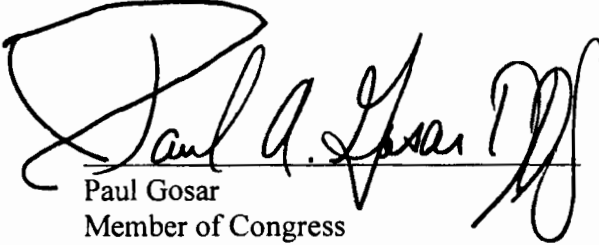
Charles Fleischmann
Member of Congress




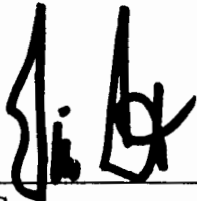
Bill Flores
Member of Congress

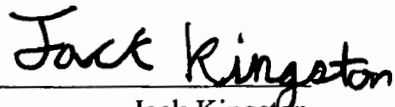

Renee Ellmers
Member of Congress

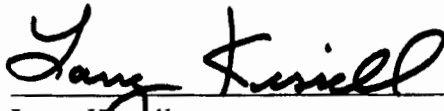

Timothy Johnson
Member of Congress


Paul Gosar
Member of Congress

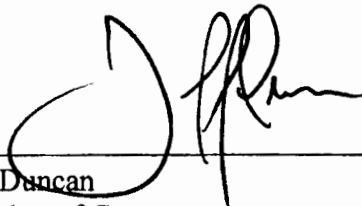

Austin Scott
Member of Congress

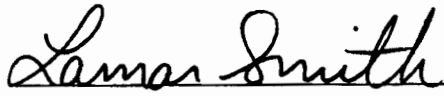

Jim Costa
Member of Congress



Jack Kingston
Member of Congress

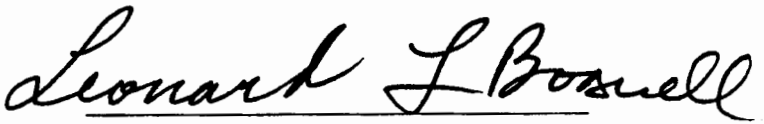

Larry Kissell
Member of Congress

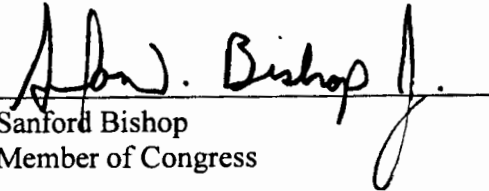

Glenn Thompson
Member of Congress

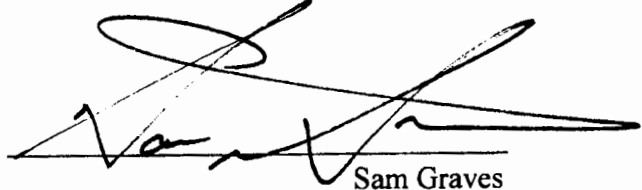

Jeff Duncan
Member of Congress

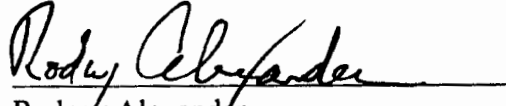

Lamar Smith
Member of Congress


Richard Hanna
Member of Congress

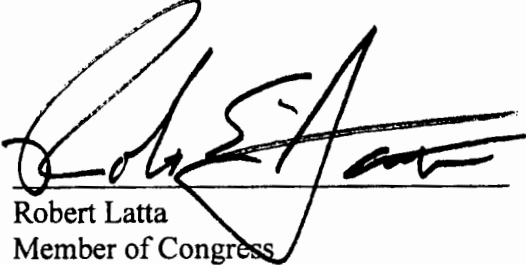

Leonard Boswell
Member of Congress

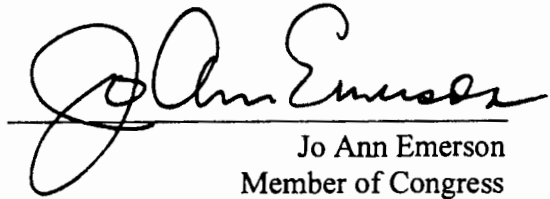

Sanford Bishop
Member of Congress

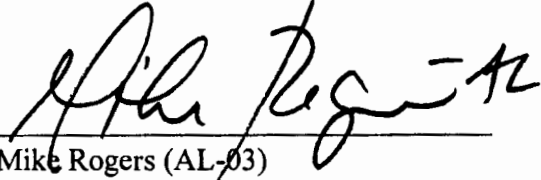

Sam Graves
Member of Congress


Rodney Alexander
Member of Congress

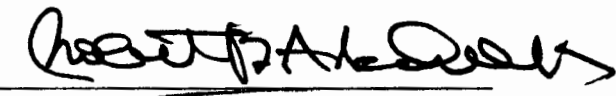

Pete Olson
Member of Congress

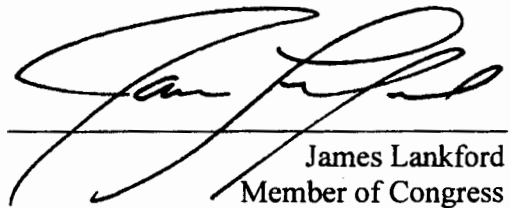

Robert Latta
Member of Congress



Jo Ann Emerson
Member of Congress



Mike Rogers (AL-03)
Member of Congress

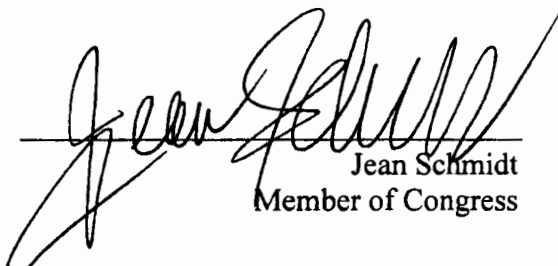
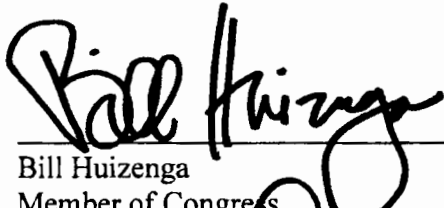
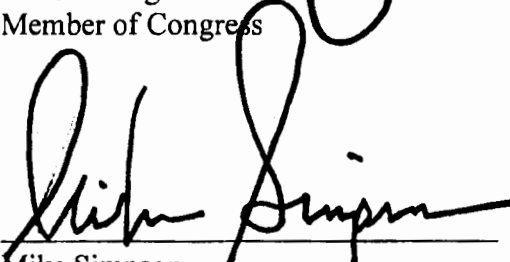


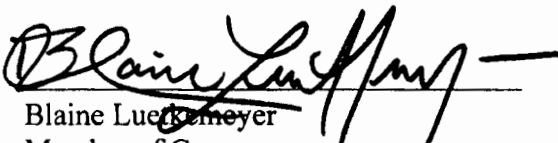

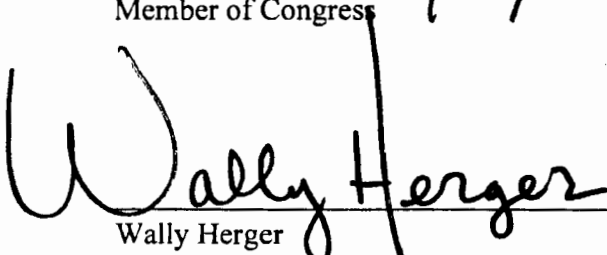

Jo Bonner
Member of Congress

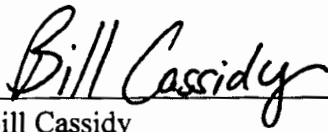

Robert Aderholt
Member of Congress


James Lankford
Member of Congress


Alan Nunnelee
Member of Congress


Mac Thornberry
Member of Congress


Kevin Brady
Member of Congress
Jean Schmidt
Member of Congress
Bill Huizenga
Member of Congress
Marlin Stutzman
Member of Congress
Mike Simpson
Member of Congress
Lynn Westmoreland
Member of Congress
Bill Johnson
Member of Congress
Reid Ribble
Member of Congress
Blaine Luetkemeyer
Member of Congress
Ted Poe
Member of Congress
Wally Herger
Member of Congress
Michele Bachmann
Member of Congress



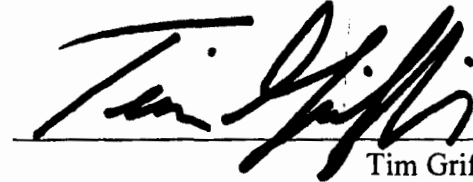
Bill Cassidy
Member of Congress



Billy Long
Member of Congress



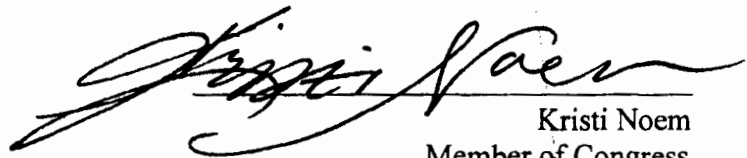
Tom Cole
Member of Congress



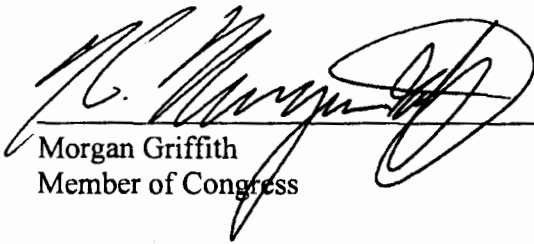
Tim Griffin
Member of Congress



Tim Huelskamp
Member of Congress



Kristi Noem
Member of Congress



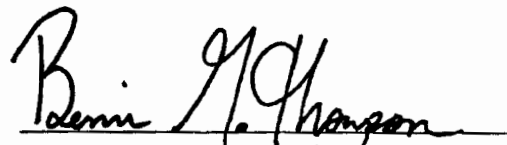
Morgan Griffith
Member of Congress



Mike Ross
Member of Congress



Randy Neugebauer
Member of Congress



Bennie G. Thompson
Member of Congress



Jeff Denham
Member of Congress



Cathy McMorris Rodgers
Member of Congress

Martha Roby
Martha Roby
Member of Congress

Todd Rokita
Todd Rokita
Member of Congress

Mike Pompeo
Mike Pompeo
Member of Congress

Phil Gingrey
Phil Gingrey
Member of Congress

Adrian Smith
Adrian Smith
Member of Congress

Doc Hastings
Doc Hastings
Member of Congress

Larry Busch
Larry Busch
Member of Congress

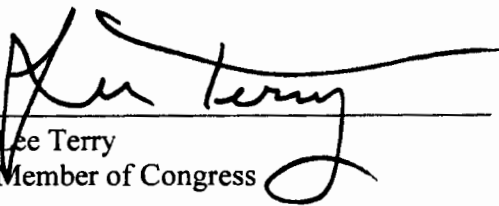
Scott Garrett
Scott Garrett
Member of Congress

Blake Farenthold
Blake Farenthold
Member of Congress

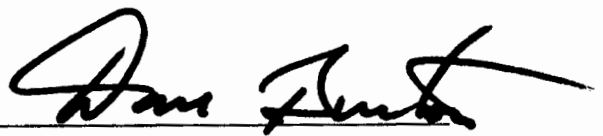
Tom Petri
Thomas Petri
Member of Congress

Devin Nunes
Devin Nunes
Member of Congress


Howard Coble
Howard Coble
Member of Congress



Lee Terry
Member of Congress




Dan Burton
Member of Congress



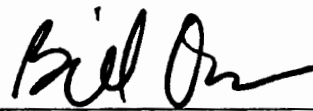
Joe Barton
Member of Congress



Randy Forbes
Member of Congress



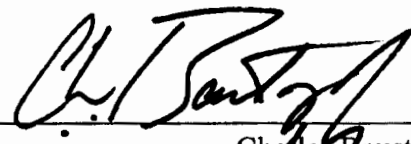
Dan Boren
Member of Congress



Bill Owens
Member of Congress



Ann Marie Buerkle
Member of Congress



Charles Boustany
Member of Congress



Steve Southerland
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 12 2011

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Jack Kingston
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Kingston:

Thank you for your letter of July 27, 2011, to the U.S. Environmental Protection Agency regarding the Spill Prevention, Control and Countermeasure (SPCC) rule. In your letter, you cited concerns with the implementation timeline for the SPCC rule for farmers and indicated that farmers need additional time to comply with the rule revisions. I understand your concerns and I appreciate the opportunity to share important information about assistance for the agricultural community.

By way of background, the SPCC rule has been in effect since 1974. The EPA revised the SPCC rule in 2002 and further tailored, streamlined and simplified the SPCC requirements in 2006, 2008 and 2009. During this time, the EPA extended the SPCC compliance date seven times to provide additional time for facility owner/operators to understand the amendments and to revise their Plans to be in compliance with the rule. The amendments applicable to farms, among other facilities, provided an exemption for pesticide application equipment and related mix containers, and clarification that farm nurse tanks are considered mobile refuelers subject to general secondary containment like airport and other mobile refuelers. In addition, the agency modified the definition of facility in the SPCC regulations, such that adjacent or non-adjacent parcels, either leased or owned by a person, including farmers, may be considered separate facilities for SPCC purposes. This is relevant because containers on separate parcels (that the farmer identifies as separate facilities based on how they are operated) do not need to be added together in determining whether they are subject to the SPCC requirements. Thus, if a farmer stores 1,320 US gallons of oil or less in aboveground containers or 42,000 US gallons or less in completely buried containers on separate parcels, they would not be subject to the SPCC requirements. (In determining which containers to consider in calculating the quantity of oil stored, the farmer only needs to count containers of oil that have a storage capacity of 55 US gallons and above.)

Your letter expresses concern about a lack of Professional Engineers (PE) available to certify SPCC Plans. However, most farmers do not need a PE to comply with the SPCC requirements. When the SPCC rule was originally promulgated in 1973, it required that every SPCC Plan be PE certified. However, the EPA amended the SPCC rule in 2006, and again in 2008, to create options to allow qualified facilities (i.e. those with aboveground oil storage capacities of 10,000 gallons or less and clean spill histories) to self-certify their Plans (no PE required) and, in some cases, complete a template that serves as the SPCC Plan for the facility. The SPCC rule requires that the owner or operator of the facility (in this case, a farm) prepare and implement an SPCC Plan. The Plan must be maintained at the location of the farm that is normally attended at least four hours per day. The EPA updated the Frequent Questions on the SPCC Agriculture webpage to include this clarification.

Additionally, during development of the SPCC amendments EPA and the U.S. Department of Agriculture (USDA) gathered information that indicated that approximately 95 percent of farms covered by the SPCC requirements are likely to qualify to self-certify their Plan—that is, no PE certification. Farmers that require the use of a PE and have difficulty finding one before the compliance date may contact the EPA Regional Administrator for the region in which they are located and request a time extension to amend and prepare an SPCC Plan.

EPA understands the issues raised by the farm community and is currently evaluating the best approach to resolve the identified issues. We are working hard to explore viable options for addressing the concerns you have raised. At a minimum, as noted above, those farmers who cannot meet the November 10, 2011, compliance date may request an extension as provided for specifically under 40 CFR 112.3 (f), which states:

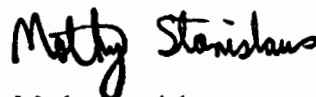
“ Extension of time: The Regional Administrator may authorize an extension of time for the preparation and full implementation of a Plan, or any amendment of a Plan thereto, beyond the time permitted for the preparation, implementation, or amendment of a Plan under this part, when he finds that the owner or operator of a facility subject to the section, cannot fully comply with the requirements as a result of either nonavailability of qualified personnel, or delays in construction or equipment delivery beyond the control and without the fault of such owner or operator or his agents or employees....”

Among the options we are exploring is an appropriate and expeditious process by which such an extension could be of value in addressing the legitimate concerns raised on behalf of agricultural producers.

The Frequent Questions on the EPA's SPCC for Agriculture webpage reflect this information to ensure that farmers are aware that an extension is possible and to describe the process to request such an extension. The address for that website is http://www.epa.gov/emergencies/content/spcc/spcc_ag.htm. We will continue to explore opportunities that would trigger approval of such exemption requests and will investigate mechanisms to help farmers request an extension.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Raquel Snyder, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-9586. We also welcome your suggestions for additional outreach and compliance assistance approaches.

Sincerely,

A handwritten signature in black ink that reads "Mathy Stanislaus". The signature is written in a cursive, slightly slanted style.

Mathy Stanislaus
Assistant Administrator

05-001-2014

JACK KINGSTON
1st District, Georgia

WASHINGTON OFFICE
2242 Rayburn House Office Building
Washington, DC 20515
(202) 225-5831
(202) 226-2269 FAX

BRUNSWICK OFFICE
Federal Building, Room 304
805 Gloucester Street
Brunswick, GA 31520
(912) 265-9010
(912) 265-9013 FAX



Congress of the United States
House of Representatives

August 11, 2005

Committee On Appropriations
Vice Chair, Republican Conference

SAVANNAH OFFICE
One Diamond Causeway
Suite 7
Savannah, GA 31406
(912) 352-0101
(912) 352-0105 FAX

BAXLEY OFFICE
P.O. Box 40
Baxley, GA 31515
(912) 367-7403
(912) 367-7404 FAX

WARNER ROBINS OFFICE
P.O. Box 8348
Warner Robins, GA 31086
(478) 923-8987
(478) 923-4734 FAX

Mr. Charles L. Engebretsen
Associate Administrator for Congressional Affairs
Environmental Protection Agency
1200 Pennsylvania Ave, NW, Room 3426 ARN
Washington, D.C. 20460

Dear Mr. Engebretsen:

One of my constituents, Mr. Daniel Parshely, has contacted me regarding a matter in which I believe your agency could be helpful. Therefore, the enclosed communication is submitted for your review.

I would very much appreciate your responding to the points raised by my constituent, and providing any assistance available under the applicable laws and regulations.

The contact person on my staff for this case is Charles Wilson. He can be reached at (912) 265-9010.

Thank you very much for your consideration and for advising me of any action you take in this matter.

Sincerely,

Jack Kingston
Member of Congress

Reply to: Charles Wilson
Federal Building, Room 304
805 Gloucester Street
Brunswick, GA 31520



P. O. Box 2443, Brunswick, Georgia 31521
Phone: 912-488-0934 Fax: 912-488-0950
Email: gec@darientel.net Web Site: www.glynnenvironmental.org

August 10, 2005

Congressman Jack Kingston
C/O Rob Asbell
805 Gloucester Street
Brunswick, Georgia 31520

Re: Assistance in retaining our community's EPA Technical Assistance Grants for the Brunswick Wood Preserving Superfund Site and Terry Creek Dredge Spoil Areas/Hercules Outfall Site.

Dear Congressman Kingston,

The Glynn Environmental Coalition (GEC) has been notified by the EPA that the EPA Technical Assistance Grants for the Brunswick Wood Preserving Superfund Site and Terry Creek Dredge Spoil Areas/Hercules Outfall Site will be terminated due to the August 2, 2005, EPA Appropriations Act. The Act includes an \$80 million rescission that must be taken in part from EPA assistance agreements, interagency agreements, and contracts whose period of performance has expired.

Two of the EPA Technical Assistance Grants (TAGs), Brunswick Wood Preserving and Terry Creek Site, have been targeted by the EPA for termination due to the EPA's refusal to provide the appropriate time extensions requested by the GEC for the TAGs. In 2004, EPA Grants Division and the GEC requested timelines for work at our Superfund Sites, and the EPA extended the TAGs for one year in anticipation of receiving the needed timeline information from the EPA Remedial Project Managers for our Superfund Sites in Brunswick, Georgia. The "period of performance" is due to expire on August 31, 2005 for two TAGs because of internal problems in obtaining information at the EPA and not a TAG administrative failure by the GEC.

Since the GEC was not provided the appropriate time periods by the EPA for our community's TAGs, the GEC was required to provide a justification for a time extension in 2004 and 2005, which we provided (justifications attached). The justification clearly states that the problem is not a matter of the GEC not requesting the appropriate time period, but rather a situation created by the EPA.

The GEC does not believe our community should be denied technical assistance for our Superfund Sites just because the EPA has been unable to obtain information internally. We trust your attention to this problem will correct the problem we have encountered due to internal problems at the EPA, in spite the best efforts of the GEC to correctly administer the TAGs for our community.

Thank you for your attention to this problem. Let us know if further information is needed from the GEC.

Sincerely,

Daniel Parshley, TAG Project Manager

Enclosures



P. O. Box 2443, Brunswick, Georgia 31521
Phone: 912-466-0834 Email: gec@danientel.net
www.glynnenvironmental.org

September 8, 2004

Ms. Seema Rao, EPA Grants
61 Forsyth Street, SW
Atlanta, Georgia 30303-3104

Re: Request for a time extension for the EPA Technical Assistance Grant for the Brunswick Wood Preserving Superfund Site, Brunswick, Glynn County, Georgia Assistance ID No. 1984482-98-0.

Dear Ms. Rao,

The Glynn Environmental Coalition (GEC) requested a three time extension for the Brunswick Wood Preserving Superfund Site, Brunswick, Glynn County, Georgia, EPA Technical Assistance Grant (TAG). The current TAG award, Assistance ID No. 1984482-98-0, was for the period 09-01-01 to 08-31-04. When the GEC requested a time extension in 2001, we asked that the time period be extended to August 31, 2009, which was the anticipated period of time expected to complete the Statement of Work (SOW) submitted with our original TAG application. We were informed that EPA management had decided that no TAGs would receive time extensions greater than three years. Our time extension request dated May 20, 2004 does not reflect a miscalculation of time to complete the SOW, but rather our compliance with the EPA's request to submit requests for a time extension at three-year intervals.

The following anticipated tasks remain to be completed at the Brunswick Wood Preserving Superfund Site.

Ecological Risk Assessment

An analysis of the Ecological Risk Assessment will be conducted to evaluate protection of natural resources by the proposed remedial methods. Special attention will be given to potential seafood contamination and associated health risks to those consuming seafood from Burnett Creek.

Remedial Design and Remedial Action

The technical advisor will do a detailed analysis of the Remedial Design and Remedial Action (RD/RA) Plans for each Operable Unit and produce a TAR. Included in the analysis of the RD/RA will be a discussion of how the ROD is being complied with. In addition, an update on new data and any remedial and removal activities will be included as a sub-section in the TAR, or as a separate TAR.

Final Inspection Report

The technical advisor will review the Final Inspection Report for each OU and produce a TAR detailing the results of the review. Special attention will be given to any long-term monitoring or areas that may pose a potential health threat for future uses at the site. An analysis of the potential uses for the property will be included in the TAR.

Contact us if you need further information regarding this request for a time extension.

Sincerely,



Daniel Parshley, Project Manager
Glynn Environmental Coalition, Inc.
912-466-0934



P. O. Box 2443, Brunswick, Georgia 31521
Phone: 912-468-0834 Fax: 912-468-0859
Email: gec@dariental.net Web Site: www.glynnenvironmental.org

March 23, 2005

Ms. Seema Rao, EPA Grants
61 Forsyth Street, SW
Atlanta, Georgia 30303-3104

Re: Request for a time extension for the EPA Technical Assistance Grant for the Brunswick Wood Preserving Superfund Site, Brunswick, Glynn County, Georgia Assistance ID No. 1984482-98-0.

Dear Ms. Rao,

The Glynn Environmental Coalition (GEC) requested a three time extension for the Brunswick Wood Preserving Superfund Site, Brunswick, Glynn County, Georgia, EPA Technical Assistance Grant (TAG). The current TAG award, Assistance ID No. 1984482-98-0, was for the period 09-01-01 to 08-31-04. When the GEC requested a time extension in 2001, we asked that the time period be extended to August 31, 2009, which was the anticipated period of time expected to complete the Statement of Work (SOW) submitted with our original TAG application. We were informed that EPA management had decided that no TAGs would receive time extensions greater than three years. Our time extension request dated May 20, 2004 does not reflect a miscalculation of time to complete the SOW, but rather our compliance with the EPA's request to submit requests for a time extension at three-year intervals.

The May 20, 2004 time extension request was granted for only one year, or through August 31, 2005. Since the last time extension, the Remedial Design has been completed but funding was not available to implement the Remedial Action. Currently, we are unsure when the Remedial Action will be scheduled. The priority ranking for the Site was recently completed and we have requested information concerning the EPA's priority ranking of the Site to better determine the anticipated timeline for implementation of the Remedial Action. Due to the delays at the Site, we believe our initial estimate for completing of our EPA Technical Assistance Grant in 2009 might be overly optimistic.

The following anticipated tasks remain to be completed at the Brunswick Wood Preserving Superfund Site.

Ecological Risk Assessment

An analysis of the Ecological Risk Assessment will be conducted to evaluate protection of natural resources by the proposed remedial methods. Special attention will be given to potential seafood contamination and associated health risks to those

consuming seafood from Burnett Creek. This task is part of Operational Unit Two (OU-2) at the Site.

Annual Groundwater Monitoring Reports

The technical advisor will review the annual groundwater monitoring reports and report on any changes in the contaminant plumes from the Site. Special attention will be given to the potential for contamination of nearby residential drinking water wells.

Remedial Action

The technical advisor will do a detailed analysis of the Remedial Action (RA) for each Operable Unit and produce a Technical Assistance Report (TAR). Included in the analysis of the RA will be a discussion of how the ROD is being complied with and the degree to which the RA meets the specified remedial goals. In addition, an update on new data, changes to the Remedial Design, and any remedial and removal activities will be included as a sub-section in the TAR, or as a separate TAR.

Final Inspection Report

The technical advisor will review the Final Inspection Report for each OU and produce a TAR detailing the results of the review. Special attention will be given to any long-term monitoring or areas that may pose a potential health threat for future uses at the site. An analysis of the potential uses for the property will be included in the TAR.

Contact us if you need further information regarding this request for a time extension.

Sincerely,



Daniel Parshley, Project Manager
Glynn Environmental Coalition, Inc.
912-466-0934

CC: Rhonda Newberry



P. O. Box 2443, Brunswick, Georgia 31521
Phone: 912-488-0834 Email: gec@darientel.net
www.glynnenvironmental.org

September 8, 2004

Ms. Seema Rao, EPA Grants
61 Forsyth Street, SW, 11th Floor
Atlanta, Georgia 30303-3104

Re: Request for a time extension EPA Technical Assistance Grant for the Terry Creek
Dredge Spoil Areas/Hercules Outfall Site, Assistance ID No. 1-984532-98-0.

Dear Ms. Rao,

The Glynn Environmental Coalition (GEC) requested a time extension for the Terry Creek Dredge Spoil Areas/Hercules Outfall Site (Terry Creek Site), Brunswick, Glynn County, Georgia, EPA Technical Assistance Grant (TAG). The current TAG award, Assistance ID No. 1-984532-98-0, was for the period 09-01-01 to 08-31-04. When the GEC requested a time extension in 2001, we asked that the time period be extended to August 31, 2009, which was the anticipated period of time expected to complete the Statement of Work (SOW) submitted with our original TAG application. We were informed that EPA management had decided that no TAGs would receive time extensions greater than three years. Our time extension request dated May 20, 2004 does not reflect a miscalculation of time to complete the SOW, but rather our compliance with the EPA's request to submit requests for a time extension at three-year intervals.

The following anticipated tasks remain to be completed at the Terry Creek Site.

Remedial Investigation/Feasibility Study and Ecological Risk Assessment (150 hours)

The technical advisor will complete a detailed analysis of the on and off-site contamination and proposed remedies in the Remedial Investigation and Feasibility Study (RI/FS). Special attention will be given to the potential for migration of soil and water contamination to off-site properties and Terry Creek during a hurricane, seafood contamination, and potential impact to natural resources. A Technical Assistance Report (TAR) and video will be produced prior to the community forum to be held prior to the EPA Public Meeting (the video production company will be contracted by the Coalition). The purpose of the TAR and video will be to explain the extent and nature of the contamination, the strengths and weaknesses of each of the proposed remedies, so the community can comment on, and understand, the selected remedial method(s) proposed for the Record of Decision (ROD). In addition, an analysis of the Ecological Risk Assessment will be conducted to evaluate protection of natural resources by the proposed remedial methods. The technical advisor will be expected to make three trips, one for the

video production, a second for the community forum and a third for the EPA Public Meeting.

Record of Decision (50 hours)

The technical advisor will review and produce a TAR on the results of the ROD. Special attention will be given to how the comments and concerns expressed by the community at the EPA Public Meeting were addressed in the ROD and Responsiveness Summary. In addition, an update on activities at the site, new data, and any remedial and removal activities will be included as a sub-section in the TAR.

Remedial Design and Remedial Action (150 hours)

The technical advisor will do a detailed analysis of the Remedial Design and Remedial Action (RD/RA) Plans and produce a TAR. Included in the analysis of the RD/RA will be a discussion of how the ROD is being complied with. In addition, an update on new data and any remedial and removal activities will be included as a sub-section in the TAR.

Final Inspection Report (60 hours)

The technical advisor will review the Final Inspection Report and produce a TAR detailing the results of the review. Special attention will be given to any long-term monitoring or areas that may pose a potential health threat for future uses at the site. An analysis of the potential uses for the property will be included in the TAR. Special attention will be given to the ability of the Site to withstand a hurricane.

Contact me if you need further information regarding this request for a time extension.

Sincerely,



Daniel Parshley, Project Manager
Glynn Environmental Coalition, Inc.
912-466-0934



P. O. Box 2443, Brunswick, Georgia 31521
Phone: 912-466-0934 Fax: 912-466-0959
Email: gec@darientel.net Web Site: www.glynnenvironmental.org

March 23, 2005

Ms. Seema Rao, EPA Grants
61 Forsyth Street, SW, 11th Floor
Atlanta, Georgia 30303-3104

Re: Request for a time extension EPA Technical Assistance Grant for the Terry Creek
Dredge Spoil Areas/Hercules Outfall Site, Assistance ID No. 1-984532-98-0.

Dear Ms. Rao,

The Glynn Environmental Coalition (GEC) requested a time extension for the Terry Creek Dredge Spoil Areas/Hercules Outfall Site (Terry Creek Site), Brunswick, Glynn County, Georgia, EPA Technical Assistance Grant (TAG). The current TAG award, Assistance ID No. 1-984532-98-0, was for the period 09-01-01 to 08-31-04. When the GEC requested a time extension in 2001, we asked that the time period be extended to August 31, 2009, which was the anticipated period of time expected to complete the Statement of Work (SOW) submitted with our original TAG application. We were informed that EPA management had decided that no TAGs would receive time extensions greater than three years. Our time extension request dated May 20, 2004 does not reflect a miscalculation of time to complete the SOW, but rather our compliance with the EPA's request to submit requests for a time extension at three-year intervals.

The May 20, 2004 time extension request was granted for only one year, or through August 31, 2005. Since the last time extension, there has not been any substantial work performed at the site towards completion of the Remedial Investigation and Feasibility Study (RI/FS). Currently, the only activity in the planning process is a seafood sampling plan. Due to the delays at the Site, we believe our initial estimate for completing of our EPA Technical Assistance Grant in 2009 might be overly optimistic.

The following anticipated tasks remain to be completed at the Terry Creek Site.

Remedial Investigation/Feasibility Study and Ecological Risk Assessment (150 hours)

The technical advisor will complete a detailed analysis of the on and off-site contamination and proposed remedies in the Remedial Investigation and Feasibility Study (RI/FS). Special attention will be given to the potential for migration of soil and water contamination to off-site properties and Terry Creek during a hurricane, seafood contamination, and potential impact to natural resources. A Technical Assistance Report (TAR) and video will be produced prior to the community forum to be held prior to the EPA Public Meeting (the video production company will be contracted by the Coalition). The purpose of the TAR and video will be to explain the extent and nature of the

consuming seafood from Burnett Creek. This task is part of Operational Unit Two (OU-2) at the Site.

Annual Groundwater Monitoring Reports

The technical advisor will review the annual groundwater monitoring reports and report on any changes in the contaminant plumes from the Site. Special attention will be given to the potential for contamination of nearby residential drinking water wells.

Remedial Action

The technical advisor will do a detailed analysis of the Remedial Action (RA) for each Operable Unit and produce a Technical Assistance Report (TAR). Included in the analysis of the RA will be a discussion of how the ROD is being complied with and the degree to which the RA meets the specified remedial goals. In addition, an update on new data, changes to the Remedial Design, and any remedial and removal activities will be included as a sub-section in the TAR, or as a separate TAR.

Final Inspection Report

The technical advisor will review the Final Inspection Report for each OU and produce a TAR detailing the results of the review. Special attention will be given to any long-term monitoring or areas that may pose a potential health threat for future uses at the site. An analysis of the potential uses for the property will be included in the TAR.

Contact us if you need further information regarding this request for a time extension.

Sincerely,



Daniel Parshley, Project Manager
Glynn Environmental Coalition, Inc.
912-466-0934

CC: Denise Bland



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 30 2005

The Honorable Jack Kingston
Member, U. S. House of Representatives
Federal Building, Room 304
805 Gloucester Street
Brunswick, GA 31520

Dear Congressman Kingston:

Thank you for your August 11, 2005, letter on behalf of Mr. Daniel Parshley concerning assistance in retaining Technical Assistance Grants (TAGs) authorized under Section 117(e) of CERCLA for the Brunswick Wood Preserving and Terry Creek Dredge Spoil Areas/Hercules Outfall National Priorities List sites.

The Environmental Protection Agency (EPA) temporarily suspended processing of select grant awards to evaluate the availability of funds to support an \$80 million budget rescission. However, effective August 19, 2005, EPA lifted the restriction for some temporary fiduciary measures, including TAGs, and released them for award.

My staff has been coordinating the final approval of the TAG work plans at these two sites. On August 22, 2005, EPA extended the project period for the Brunswick Wood Preserving TAG to August 31, 2008. The work plan for this TAG has been given conditional approval to conduct site activities for three years pending availability of funds for the final remedy. Once EPA provides funding for the final remedy, we will renegotiate the TAG work plan terms to be consistent with the final remedy schedule.

We anticipate the Terry Creek Dredge Spoil Areas/Hercules Outfall TAG will also be extended to August 31, 2008, with an award expected before August 31, 2005. The work plan for this TAG has been given conditional approval pending revision of site milestones. The site remedial investigations are ongoing, and timelines are conditioned on investigational outcomes and have shifted since the initial TAG award. My staff will continue to coordinate with Mr. Parshley to finalize approval of the work plan based on revised remedial investigation timelines.

If you have questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

A handwritten signature in cursive script, reading "J. I. Palmer, Jr.", written in dark ink.

J. I. Palmer, Jr.
Regional Administrator

JACK KINGSTON
1st District, Georgia

WASHINGTON OFFICE
2242 Rayburn House Office Building
Washington, DC 20515
(202) 225-5831
(202) 226-2269 FAX

BRUNSWICK OFFICE
Federal Building, Room 304
805 Gloucester Street
Brunswick, GA 31520
(912) 265-9010
(912) 265-9013 FAX



Congress of the United States
House of Representatives

July 19, 2006

06-001-2194

Committee On Appropriations
Vice Chair, Republican Conference

SAVANNAH OFFICE
One Diamond Causeway
Suite 7
Savannah, GA 31406
(912) 352-0101
(912) 352-0105 FAX

BAXLEY OFFICE
P.O. Box 40
Baxley, GA 31515
(912) 367-7403
(912) 367-7404 FAX

WARNER ROBINS OFFICE
P.O. Box 9348
Warner Robins, GA 31095
(478) 923-8987
(478) 923-4734 FAX

Mr. Stephen L. Johnson
Administrator
US. Environmental Protection Agency (7101M)
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

Dear Mr. Johnson:

I am writing to express my concerns with an issue that is occurring in the 1st District of Georgia.

The Brunswick Wood Preserving site, listed as a Superfund site by the EPA, has been idle for many years. Last year, more than 24-inches of rain fell in a three-day period due to Tropical Storm Tammy. This led to flooding and caused runoff of contaminants to neighboring properties and residences. Property owners have received no word on whether their land has been contaminated and one resident was told that he would have to pay \$3 million to clean the ditch in front of his house because it has been contaminated by runoff from the site.

Working with the Glynn Environmental Coalition, I have made multiple requests since January 2005 to find out how the site is ranked in terms of receiving funding and where it sits in the priority order for funding. To date, I have not received an answer. I have been told that the EPA will "deal directly" with the GEC, but so far, that has not occurred. I have also been told that this information is not available to me as a Member of Congress.

I would like to know what is being done as far as routine maintenance to protect neighboring residences. Also, I would like to know when the site will be clean. Having a contaminated Superfund site has caused economic hardship on the area because businesses do not want to move anywhere near the site. This community would like to move on.

I look forward to your response and ask that you give this inquiry every consideration within the applicable laws and guidelines.

Sincerely,

Jack Kingston
Member of Congress

JK:ma



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 23 2006

The Honorable Jack Kingston
United States House of Representatives
Washington, DC 20515

Dear Congressman Kingston:

Thank you for your July 19, 2006, letter to Stephen L. Johnson, Administrator of the U. S. Environmental Protection Agency (EPA), concerning the Brunswick Wood Preserving Superfund Site in Brunswick, Georgia (the Site). Your letter was forwarded to me for a response.

You inquired about the status of funding for the remedial activities at the Site. I am pleased to report that we have now received funding enabling us to start remedial activities at the Site. We are currently establishing appropriate contracts and expect to begin work on-site in the late fall of this year. Before beginning work at the Site, we will host a public availability session. As the work proceeds, we will continue to inform interested stakeholders, such as the Glynn Environmental Coalition, of our activities and progress.

You also raised concerns regarding statements made to a constituent regarding remediation of contamination in a ditch in front of his house. We are aware of the releases that occurred in and around the Site during the Tropical Storm; however, we have no knowledge of the statement regarding the cost and liability for cleanup in or around residential ditches.

During the remedial activities, additional sampling will include the residential ditches along Floraville Road, where run-off may have transported contaminants from the Site. Any offsite material found to have contamination associated with the Site, and above levels which require remediation, will be removed from its current location and placed back on the Site. These materials will then be managed as part of the long-term remediation. These removals will be funded by Site remediation funding.

In your letter, you also inquired about the current status and the routine maintenance work at the Site. In addition to regular sampling of the residential and monitoring wells in the area, we also maintain the fencing at the Site. Repairs on the perimeter fence around the Site were done earlier this year.

If you have further questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

A handwritten signature in black ink, appearing to read "J. I. Palmer, Jr.", with a stylized flourish at the end.

J. I. Palmer, Jr.
Regional Administrator

07-001-2523

Congress of the United States
Washington, DC 20515

July 26, 2007

Mr. James B. Gulliford
United States Environmental Protection Agency
Washington, D.C. 20460-0001

Cc: Administrator Steven Johnson, U. S. Environmental Protection Agency

Dear Assistant Administrator Gulliford,

It has come to our attention that the Environmental Protection Agency is considering whether to re-register the class of herbicides known as the organic arsenicals. We raise serious concerns about the potential impact to agricultural production and turfgrass management if these compounds are removed from the market. We are encouraged that you have taken the steps to meet with Georgia agriculture production professionals and weed scientists in Washington, D.C. and now are scheduled to visit businesses and farming operations in Georgia that utilize these herbicides. These compounds are very important tools for weed control by Georgia cotton and turfgrass producers, golf course superintendents and landscape professionals. For cotton producers, tropical spiderwort and herbicide-resistant weeds, such as palmer amaranth, MSMA has proven to be an effective tool for control. In turfgrasses, especially bermudagrass, there are no comparable substitutes for the organic arsenical herbicides on certain weeds.

Georgia agribusinesses have a strong stewardship track record and many take extra care in protecting the environment. We know it is important to you that EPA is fair and evenhanded in the collection and evaluation of data regarding the impact these herbicides may pose to the environment. The expertise of agriculture leaders that are already cooperating with you and your staff will, in our opinion, provide you with the scientific and production practice information you need that will help to resolve many re-registration concerns.

As you are aware, organic arsenical herbicides have been utilized for weed control since the 1950s. They are still very important for weed management in these crops and we are of the opinion that their continued registration is critical for these agricultural producers. We encourage you to examine this matter closely and grant every consideration that will allow these herbicides to stay in the market for use by professionals in these very important rural and urban agricultural practices. Thank you for your attention to this matter.

Sincerely,

Nathan Deal

Sign Altrip

Phil Gingrey

Thomas Price

Hank Johnson

John Linder

Tom Scott

John Barrow



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 29 2007

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

The Honorable Jack Kingston
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Kingston:

Thank you for your letter of July 26, 2007, regarding the reregistration status of the organic arsenical herbicides. I was very pleased to have the opportunity to meet with many of your constituents and discuss this issue several months ago here in Washington D.C. More recently in Georgia, I gained a better personal understanding of the role of organic arsenicals in agriculture and turfgrass management as other EPA representatives and I met first-hand with cotton growers, turf farmers, and other stakeholders.

As you know, in August 2006, EPA announced the availability of a Reregistration Eligibility Decision (RED) document for the organic arsenical herbicides MSMA, DSMA, CAMA, and cacodylic acid in which it determined that products containing these herbicides are not eligible for reregistration. The Agency extended the initial 60-day public comment period on this RED twice, then reopened the comment period in December 2006 to accommodate requests from stakeholders. Since the completion of the comment period earlier this year, EPA has been carefully evaluating all comments and new information received. We will respond in a document that we will place in the public docket, and the Agency will announce its path forward later this year.

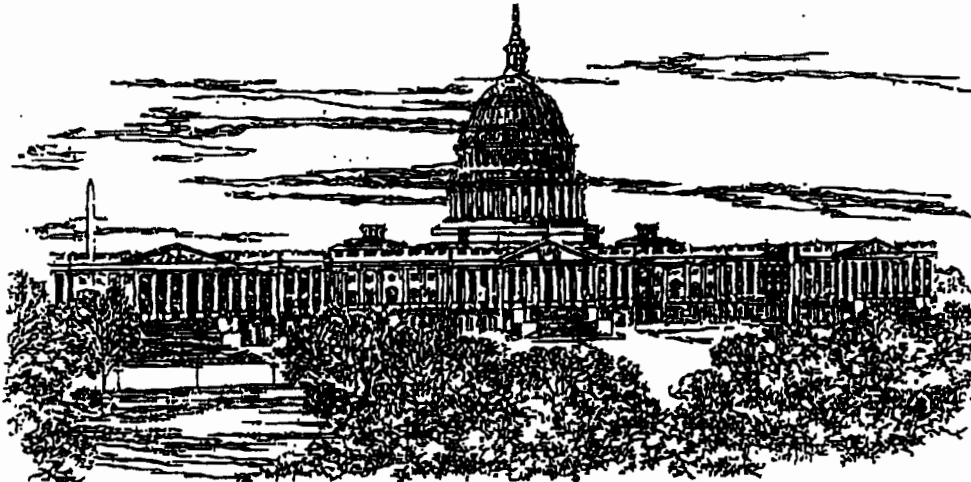
Again, thank you for your letter. If you have further questions, please contact me or your staff may call Christina Moody in the Office of Congressional and Intergovernmental Relations at (202) 564-0260.

Sincerely,

A handwritten signature in black ink, which appears to read "James B. Gulliford". The signature is fluid and cursive, with a large initial "J" and a stylized "G".

James B. Gulliford
Assistant Administrator

07-001-1865

cc'd
Peter
John
Chase
file

FACSIMILE TRANSMISSION FROM:

CONGRESSMAN JACK KINGSTON

1 DIAMOND CAUSEWAY, SUITE 7
SAVANNAH, GA 31406

VOICE# (912) 352-0101

FAX# (912) 352-0105

TO Cory Linn EPADATE: 7/11/07FAX#: 202 501 1519TOTAL PAGES: 15621

Cover

FROM: ☒ TRISH DEPRIEST☐ BRUCE BAZEMORE☐ MYRLENE FREE☐ BROOKE FLOYD☐ PEGGY LEE MOWERS☐ CONNIE GOMEZ☐ OTHER _____

Comments: _____

Very Urgent



July 10, 2007

Honorable Jack Kingston
1 Diamond Causeway
Savannah, GA 31406

RE:EPA's intent to impose penalties on local business

Dear Jack,

In November of 2006 RE/MAX Savannah, a local real estate brokerage firm, was audited by a member of the EPA with the purpose of determining compliance with respect to the lead based paint disclosure required for residences constructed prior to 1978. It is important to note that during the audit the auditor made several statements indicating we had been the subject of a previous audit. This is simply not true, we have never been audited before by the EPA. The auditor said there had been a complaint filed against RE/MAX but would not reveal the complainant. We of course have great anticipation for the identity of the complainant.

A Mr. ^{exp-6} contracted to purchase a home we had listed for sale at 115 Hoover Creek Road in July of 2005. Mr. ^{exp-6} engaged another brokerage firm to represent him in this transaction. Several months after closing Mr. ^{exp-6} engaged in a voluminous letter writing campaign accusing everyone involved of fraud to conspiracy. He claimed that he never signed documents that, as far as we can tell, do in fact bear his signature. As a result of his letter writing we were investigated by the Georgia Real Estate Commission to determine if there had been any wrongdoing on our part with respect to the transaction. The investigation revealed that we had acted properly and that Mr. ^{exp-6} accusations as they relate to us were unfounded. Mr. ^{exp-6} was not pleased. The EPA was on the list of agencies he threatened to report us to. Therefore, it is not surprising that someone showed up to investigate Mr. ^{exp-6} claim. What is surprising is what happened as a result of the audit. We were presented with a laundry list of alleged violations in a letter from the EPA dated June 6, 2007, almost all of which we dispute. One of the alleged violations was on a property that was constructed during 1978 which exempts it from the disclosure requirement and other properties were bank foreclosures which are also exempted from making certain disclosures.

We were instructed to participate in a tele-conference on July 2, 2007 with representatives of the EPA's compliance and enforcement departments. During that conversation we were told that based on their findings we had committed violations that would warrant their assessing penalties in excess of \$102,000.00, and that our two locations had a violation rate of 70% and 90% based on a sampling of our files. These penalties were calculated based on the

RE/MAX Savannah
315 Commercial Drive, Suite D-5
Savannah, GA 31406
Phone: (912) 355-7711
Fax: (912) 355-7171

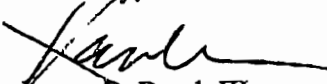


"Enforcement Response Policy" which upon review is a very loose, totally subjective matrix for arriving at pretty much any conclusion you want (www.epa.gov/compliance/resources/policy/civil). The next few minutes were those of disbelief as we were then told that if we did not litigate the findings or penalties that we could settle this for a payment of \$22,000.00 if paid within 2 weeks. If we chose to defend ourselves by the hiring of an attorney or took longer than two weeks to pay then they would be obligated to take the \$22,000.00 settlement amount "off the table" and would pursue the full \$102,000.00 penalty amount. It caused us great concern that we being assessed these unbelievable penalty amounts without opportunity to respond to the violations listed and are being pressured to pay the settlement amount now or face the specter of the larger penalty. After some discussion during the tele-conference we were allowed the opportunity to respond to the listed violations, (a copy of which is attached), so long as we could do so by July 10, 2007. Even then, unless the EPA changes its position we are still faced with a payment deadline of Friday July 13, 2007.

Payment of the higher penalty will cause this business to close its doors. Even the settlement amount will significantly cripple its operation during a time when the real estate market has been softening for the last eight to ten months with no immediate reversal in site. Other local real estate companies were audited and received a letter asking them to state how they are going to change in order to prevent future violations but no penalties were assessed. We, it seems, have been singled out to be penalized for violations we don't feel we committed and certainly not of a serious enough nature to warrant the imposing of penalties in excess of \$100,000.00.

Most of the violations listed are instances where either dates or signatures were missing from separate addendums to purchase contracts or the party who did not initial on the addendum was represented by another brokerage; however the contracts contained notices and disclosures within the body of the contract itself, which has all signatures and dates. If the spirit of this disclosure requirement is to afford purchasers with an opportunity to have a property checked for lead based paint should they desire, then we have complied. If it is how to correctly fill out a form we must be more careful. We are concerned we may be subject to further intense scrutiny as a result of this letter; however we must turn to someone in this time. We urgently desire to have a conversation with you at your earliest possible convenience. We are certainly willing to have continuing dialog with the EPA about these matters but fear that come July 13, we will be facing the prospect of litigation and penalties over \$100,000.00.

Sincerely,



James O. Reed, III
Vice President, Broker
Old Hickory Properties, Inc.
dba RE/MAX Savannah



Sue Brown
President

enc.



July 9, 2007

Ms. Liz Wilde
United States Environmental Protection Agency
Region 4 Atlanta Federal Center
61 Forsyth Street
Atlanta, GA 30303-8960

RE: Letter dated June 6, 2007 to Sue Brown, RE/MAX Savannah and John Andrews, RE/MAX Savannah concerning the Lead-Based Paint audits conducted November 28 & 30, 2006.

Dear Ms. Wilde:

This letter is in response to the alleged violations of the Toxic Substances Control Act (TSCA) received by RE/MAX Savannah on June 7, 2007. John Andrews acted as representative for me and James Reed, Qualifying Broker for RE/MAX Savannah, at the audit conducted at 1111 King George Blvd, Savannah, GA and will not be responding to the correspondence as Mr. Reed and myself are the appropriate parties.

We have reviewed the alleged violations and would respond as follows:

The majority of real estate transactions involve two real estate companies representing parties on each side of the transaction i.e. Listing and Selling. Likewise, companies now enter into Buyer Agency agreements with Purchasers limiting the contact the Listing agent may have with the purchaser, and creating a contractual obligation between the Purchaser and the Buyer's Agent. The Georgia Legislature enacted Chapter 16 - The Georgia Brokerage Relationships in Real Estate Transactions Act (BRRETA) which deals with the responsibilities and legal obligations. Likewise, the National Association of REALTORS Code of Ethics deals with the responsibilities of Brokers who have entered into these brokerage relationships and requires adherence to these rules or they will be subject to the jurisdiction of the local Board of REALTORS ethics rulings. Consequently the Listing agent is not allowed to contact and counsel the Purchasers during the transaction process.

120 Hampshire Road, Savannah, GA, dated November 12, 2005

1. Failed to provide Purchaser or Lessee EPA- approved lead hazard information/pamphlet pursuant to 40 C.F.R. § 745.107(a)(1). *This would have to be done by the Buyer's Agent which was Coldwell Banker Platinum Partners. Agency prevents our direct contact with the Purchaser*

RE/MAX Savannah

315 Commercial Drive, Suite D-5
Savannah, GA 31406

Phone: (912) 355-7711

Fax: (912) 355-7171

Website: www.remax.com



2. Failed to permit the Purchaser a 10-day period to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards pursuant to 40 C.F.R. § 745.110(a). *The properly executed Purchase and Sale Agreement Paragraph 8.A. states "Buyer and/or Buyer's representatives shall have the right to enter Property at Buyer's expense and at reasonable time (including immediately prior to closing) to thoroughly inspect, examine, test and survey Property. This shall include the right to inspect and test for lead-based paint and lead-based paint hazards for not less than ten days from the Binding Agreement Date."*

3. Failed to include in the contract as an attachment a statement by the Purchaser Of an opportunity to conduct a risk assessment or inspection or to waive an opportunity to do so pursuant to 40 C.F.R. § 745.1 13(a)(5). *The responsibility for execution of the lead-based paint "Buyers" section is that of the Selling company Coldwell Banker Platinum Partners.*

309 Sharondale Road, Savannah, GA, dated August 23, 2005

1. Failed to include in the contract as an attachment, a statement by the one or more Agents involved in the transaction to sell target housing that the Agent(s) has informed the Seller of the Seller's obligations and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.1 13(a)(6)(i) and (ii). *Agent failed to acknowledge informing the seller of their obligations although Seller executed the Lead Based Paint section of the disclosure acknowledging accuracy to the best of their knowledge.*

219 Screven Avenue, Savannah, GA, dated December, 2005

1. Failed to provide Purchaser or Lessee EPA-approved lead hazard information/pamphlet pursuant to 40 C.F.R. § 745. 107(a)(1). *The properly initialed LBP section is in the file, we do not know why these violations are included. The Disclosure with the lead based paint information was received prior to acceptance of the contract was included as an attachment of the original offer as per paragraph 5. The date of signing on the disclosure is incorrect as it was a part of the original offer.*

2. Failed to disclose to Purchaser or Lessee the presence of any known lead-based paint and/or lead-based paint hazards in target housing pursuant to 40 C.F.R. § 745. 107(a)(2). *The properly initialed LBP section is in the file, we do not know why this is included, see #1.*

3. Failed to disclose to each Agent the presence of any known lead-based paint and/or lead-based paint hazards in the target housing and the existence of any available records or reports pertaining to lead-based paint pursuant to 40 C.F.R. § 745. 107(a)(3). *The properly initialed LBP section is in the file, we do not know why this is included see #1*

4. Failed to provide to Purchaser or Lessee any records or reports available to the Seller or Lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing as cited 40 C.F.R. § 745.107(a)(4) *The properly initialed LBP section is in the file, we do not know why this is included see #1*

5. Failed to include as an attachment, or within the contract to purchase target housing, the Lead Warning Statement pursuant to 40 C.F.R. § 745.113(a)(1). The properly initialed LBP section is in the file, we do not know why this is included see #1
6. Failed to include as an attachment or within the contract, a statement by the Seller disclosing the presence of known lead-based paint and/or lead-based paint hazards or indicating no knowledge of the presence of lead-based paint and/or lead based paint hazards, pursuant to 40 C.F.R. § 745.113 (a)(2). The properly initialed LBP section is in the file, we do not know why this is included see #1
7. Failed to permit the Purchaser a 10-day period to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards pursuant to 40 C.F.R. § 745.110(a). The properly initialed LBP section is in the file, we do not know why this is included. The executed Purchase and Sale Agreement Paragraph 8.A. states "Buyer and/or Buyer's representatives shall have the right to enter Property at Buyer's expense and at reasonable time (including immediately prior to closing) to thoroughly inspect, examine, test and survey Property. This shall include the right to inspect and test for lead-based paint and lead-based paint hazards for not less than ten days from the Binding Agreement Date." See #1
8. Failed to include in the contract as an attachment a statement by the Purchaser of an opportunity to conduct a risk assessment or inspection or to waive an opportunity to do so pursuant to 40 C.F.R. § 745.113(a)(5). The properly initialed LBP section is in the file, we do not know why this is included see #1
9. Failed to include as an attachment or within the contract, a list of any records or reports available to the Seller that pertain to lead hazard information or the failure to indicate that no such list exists pursuant to 40 C.F.R. § 745.113(a)(3). The properly initialed LBP section is in the file, we do not know why this is included see #1
10. Failed to include in the contract a statement by the Purchaser affirming receipt of the information required by 40 C.F.R. § 745.113(a)(2) and (a)(3) and the lead hazard pamphlet required under 15 U.S.C. § 2696 as specified in 40 C.F.R. § 745.113(a)(4). The properly initialed LBP section is in the file, we do not know why this is included see #1
11. Failed to include in the contract as an attachment, a statement by the one or more Agents involved in the transaction to sell target housing that the Agent(s) has informed the Seller of the Seller's obligations and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.113(a)(6). The properly initialed LBP section is in the file, we do not know why this is included see #1
12. Failed to include in the contract signatures of the Seller, Agent and Purchaser certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.113(a)(7) and The Seller has stated the information is to the best of his ability true and correct, and the Purchaser has acknowledged receipt of the disclosure and the representations made.
13. Failed to retain a copy of the completed disclosure records for no less than three years from the completion date of the lease or sale pursuant to 40 C.F.R. § 745.113(c)(1). The properly initialed LBP section is in the file, we do not know why this is included see #1.

115 Hoover Creek Road, Savannah, GA, dated July 11, 2005

1. Failed to provide Purchaser or Lessee EPA-approved lead hazard information/pamphlet pursuant to 40 C.F.R. § 745.107(a)(1). *This would be the responsibility of the Buyer's Agent, Shore Bell & Seyle Realty.*

2. Failed to disclose to Purchaser or Lessee the presence of any known lead-based paint and/or lead-based paint hazards in target housing pursuant to 40 C.F.R. § 745.107(a)(2). *The Seller checked the box stating no knowledge, but inadvertently failed to also initial the box. The disclosure was made, but the initials were not signed.*

3. Failed to disclose to each Agent the presence of any known lead-based paint and/or lead-based paint hazards in the target housing and the existence of any available records or reports pertaining to lead-based paint pursuant to 40 C.F.R. § 745.107(a)(3) *The Seller checked the box stating no information, but inadvertently failed to also initial the box.*

4. Failed to provide to Purchaser or Lessee any records or reports available to the Seller or Lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing as cited 40 C.F.R. § 745.107(a)(4) *There were no documents or reports as indicated by the checked section by the Seller. The Buyer's agent did not get the Purchaser to acknowledge this.*

5. Failed to include as an attachment, or within the contract to purchase target housing, the Lead Warning Statement pursuant to 40 C.F.R. § 745.113(a)(1). *This warning is included in the Seller's Property Disclosure which was signed and acknowledged by the Purchaser.*

6. Failed to include as an attachment or within the contract, a statement by the Seller disclosing the presence of known lead-based paint and/or lead-based paint hazards or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards. Pursuant to 40 C.F.R. § 745.113(a)(2). *Seller checked no knowledge but inadvertently failed to also initial the box indicating no knowledge of any lead based paint hazard.*

7. Failed to permit the Purchaser a 10-day period to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards pursuant to 40 C.F.R. § 745.110(a). *The executed Purchase and Sale Agreement Paragraph 8.A. states "Buyer and/or Buyer's representatives shall have the right to enter Property at Buyer's expense and at reasonable time (including immediately prior to closing) to thoroughly inspect, examine, test and survey Property. This shall include the right to inspect and test for lead-based paint and lead-based paint hazards for not less than ten days from the Binding Agreement Date."*

8. Failed to include in the contract as an attachment a statement by the Purchaser of an opportunity to conduct a risk assessment or inspection or to waive an opportunity to do so pursuant to 40 C.F.R. § 745.113(a)(5). *V The Buyer's Agent failed to get the acknowledgement from the Purchaser on the lead based paint section of the disclosure. The inspection period allowed in the contract provides for the Purchaser's right to inspect and is a part of the contract.*

9. Failed to include as an attachment or within the contract, a list of any records or reports available to the Seller that pertain to lead hazard information or the failure

to indicate that no such list exists pursuant to 40 C.F.R. § 745.113(a)(3). Seller indicated on the disclosure there were no documents but failed to initial the box.

10. Failed to include in the contract a statement by the Purchaser affirming receipt of the information required by 40 C.F.R. § 745.113(a)(2) and (a)(3) and the lead hazard pamphlet required under 15 U.S.C. §2696 as specified in 40 C.F.R. § 745.113(a)(4). The Buyer's Agent is responsible to disclose and provide the information to the Purchaser. The Selling Agent does not have contact with the Purchaser to make these disclosures.

11. Failed to include in the contract as an attachment, a statement by the one or more Agents involved in the transaction to sell target housing that the Agent(s) has informed the Seller of the Seller's obligations and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.113(a)(6). The agent did not sign the disclosure, although informed the seller at the time the seller indicated by check mark they had no knowledge of any lead based paint hazards.

12. Failed to include in the contract signatures of the Seller, Agent and Purchaser certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.113(a)(7). The Seller has stated the information is to the best of his ability true and correct, and the Purchaser has acknowledged receipt of the disclosure and the representations made.

13. Failed to retain a copy of the completed disclosure records for no less than three years from the completion date of the lease or sale pursuant to 40 C.F.R. § 745.113(c)(1). A copy of the Purchase and Sale agreement is on file with the Seller's Disclosure as executed by the Seller and acknowledge by the Purchaser.

287 College Street, Pembroke, GA, dated May, 2006

1. Failed to provide Purchaser or Lessee EPA-approved lead hazard information/pamphlet pursuant to 40 C.F.R. § 745.107(a)(1). The lead based paint section of the seller's property disclosure was properly executed. It was received by the buyers agent prior to the contract being written and is stated is an attachment to the contract in paragraph 5. The Purchaser failed to date their signature on the Seller's Property Disclosure, but acknowledged the disclosure was attached on May 24, 2006 and the contract was not accepted until June 2, 2006. Pamphlet acknowledged on disclosure.

2. Failed to disclose to Purchaser or Lessee the presence of any known lead-based paint and/or lead-based paint hazards in target housing pursuant to 40 C.F.R. § 745.107(a)(2). See #1 Seller disclosed no knowledge.

3. Failed to disclose to each Agent the presence of any known lead-based paint and/or lead-based paint hazards in the target housing and the existence of any available records or reports pertaining to lead-based paint pursuant to 40 C.F.R. § 745.107(a)(3) See #1 Seller disclosed no knowledge

4. Failed to provide to Purchaser or Lessee any records or reports available to the Seller or Lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing as cited 40 C.F.R. § 745.107(a)(4) See #1 Seller disclosed no documents.

5. Failed to include as an attachment, or within the contract to purchase target housing, the Lead Warning Statement pursuant to 40 C.F.R. § 745.1 13(a)(1), See #1 Warning made and acknowledged on disclosure.

6. Failed to include as an attachment or within the contract, a statement by the Seller disclosing the presence of known lead-based paint and/or lead-based paint hazards or indicating no knowledge of the presence of lead-based paint and/or lead based paint hazards, pursuant to 40 C.F.R. § 745.113 (a)(2), See #1 Seller disclosed no knowledge.

7. Failed to permit the Purchaser a 10-day period to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards pursuant to 40 C.F.R. § 745.110(a), See #1 and Paragraph 8A of Purchase and Sale Agreement.

8. Failed to include in the contract as an attachment a statement by the Purchaser of an opportunity to conduct a risk assessment or inspection or to waive an opportunity to do so pursuant to 40 C.F.R. § 745.113(a)(5), V See #1 Purchaser acknowledged.

9. Failed to include as an attachment or within the contract, a list of any records or reports available to the Seller that pertain to lead hazard information or the failure to indicate that no such list exists pursuant to 40 C.F.R. § 745.113(a)(3), See #1 Seller disclosed no documents.

10. Failed to include in the contract a statement by the Purchaser affirming receipt of the information required by 40 C.F.R. § 745.113(a)(2) and (a)(3) and the lead hazard pamphlet required under 15 U.S.C. §2696 as specified in 40 C.F.R. § 745.113(a)(4), See #1 Purchaser Affirmed.

11. Failed to include in the contract as an attachment, a statement by the one or more Agents involved in the transaction to sell target housing that the Agent(s) has informed the Seller of the Seller's obligations and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.1 13(a)(6), See #1 Agent affirmed.

12. Failed to include in the contract signatures of the Seller, Agent and Purchaser certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.1 13(a)(7) The Seller has stated the information is to the best of his ability true and correct, and the Purchaser has acknowledged receipt of the disclosure and the representations made.

13. Failed to retain a copy of the completed disclosure records for no less than three years from the completion date of the lease or sale pursuant to 40 C.F.R. § 745.1 13(c)(1), See #1 Copies in the file.

19 Keystone Drive, Savannah, GA, dated August 6, 2006

1. Failed to provide Purchaser or Lessee EPA-approved lead hazard information/pamphlet pursuant to 40 C.F.R. § 745. 107(a)(1), The lead based paint section of the seller's property disclosure was properly executed. It was received by the buyers agent prior to the contract being written and is stated is an attachment to the contract in Paragraph 5. The Purchaser dated their signature on the Seller's Property Disclosure August 6, 2006 and the contract was accepted August 7, 2006

2. Failed to disclose to Purchaser or Lessee the presence of any known lead-based paint and/or lead-based paint hazards in target housing pursuant to 40 C.F.R. § 745.107(a)(2). See #1
3. Failed to disclose to each Agent the presence of any known lead-based paint and/or lead-based paint hazards in the target housing and the existence of any available records or reports pertaining to lead-based paint pursuant to 40 C.F.R. § 745.107(a)(3). See #1
4. Failed to provide to Purchaser or Lessee any records or reports available to the Seller or Lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing as cited 40 C.F.R. § 745.107(a)(4). See #1
5. Failed to include as an attachment, or within the contract to purchase target housing, the Lead Warning Statement pursuant to 40 C.F.R. § 745.113(a)(1). See #1
6. Failed to include as an attachment or within the contract, a statement by the Seller disclosing the presence of known lead-based paint and/or lead-based paint hazards or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards, pursuant to 40 C.F.R. § 745.113(a)(2). See #1
7. Failed to permit the Purchaser a 10-day period to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards pursuant to 40 C.F.R. § 745.110(a). See #1
8. Failed to include in the contract as an attachment a statement by the Purchaser of an opportunity to conduct a risk assessment or inspection or to waive an opportunity to do so pursuant to 40 C.F.R. § 745.113(a)(5). See #1
9. Failed to include as an attachment or within the contract, a list of any records or reports available to the Seller that pertain to lead hazard information or the failure to indicate that no such list exists pursuant to 40 C.F.R. § 745.113(a)(3). See #1
10. Failed to include in the contract a statement by the Purchaser affirming receipt of the information required by 40 C.F.R. § 745.113(a)(2) and (a)(3) and the lead hazard pamphlet required under 15 U.S.C. § 2696 as specified in 40 C.F.R. § 745.113(a)(4). See #1
11. Failed to include in the contract as an attachment, a statement by the one or more Agents involved in the transaction to sell target housing that the Agent(s) has informed the Seller of the Seller's obligations and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.113(a)(6). Agent did not sign the Lead Based Paint section although did inform the Seller when acquiring the signatures and initials on the disclosure
12. Failed to include in the contract signatures of the Seller, Agent and Purchaser certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.113(a)(7) and The Seller has stated the information is to the best of his ability true and correct, and the Purchaser has acknowledged receipt of the disclosure and the representations made. These were made and dated timely.
13. Failed to retain a copy of the completed disclosure records for no less than three years from the completion date of the lease or sale pursuant to 40 C.F.R. § 745.113(c)(1). see #1

12403 Northwood Road, Savannah, GA, dated August 31, 2006

1. Failed to provide Purchaser or Lessee EPA-approved lead hazard information/pamphlet pursuant to 40 C.F.R. § 745.107(a)(1). Seller's Property Disclosure was dated August 31, 2006 and the contract was accepted on September 2, 2006. We did not have complete copy of the disclosure in our file, but have since requested a copy from the Selling Broker and have a copy maintained. The Purchaser initialed they received the pamphlet.

2. Failed to disclose to Purchaser or Lessee the presence of any known lead-based paint and/or lead-based paint hazards in target housing pursuant to 40 C.F.R. § 745.107(a)(2). Seller properly executed this section.

3. Failed to disclose to each Agent the presence of any known lead-based paint and/or lead-based paint hazards in the target housing and the existence of any available records or reports pertaining to lead-based paint pursuant to 40 C.F.R. § 745.107(a)(3). Seller properly executed this section.

4. Failed to provide to Purchaser or Lessee any records or reports available to the Seller or Lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing as cited 40 C.F.R. § 745.107(a)(4). Seller indicated there were no records.

5. Failed to include as an attachment, or within the contract to purchase target housing, the Lead Warning Statement pursuant to 40 C.F.R. § 745.113(a)(1). Warning statement is included in the Lead Based Paint section of the Seller's Property Disclosure. The Seller's Property Disclosure is included in the original offer to purchase as indicated in Paragraph 5.

6. Failed to include as an attachment or within the contract, a statement by the Seller disclosing the presence of known lead-based paint and/or lead-based paint hazards or indicating no knowledge of the presence of lead-based paint and/or lead based paint hazards, pursuant to 40 C.F.R. § 745.113 (a)(2). Seller properly executed the disclosure.

7. Failed to permit the Purchaser a 10-day period to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards pursuant to 40 C.F.R. § 745.110(a). Paragraph 8.A of the Purchase and Sale agreement provides for the 10 day right to inspect for lead based paint and lead based paint hazards and was executed by the Purchaser.

8. Failed to include in the contract as an attachment a statement by the Purchaser of an opportunity to conduct a risk assessment or inspection or to waive an opportunity to do so pursuant to 40 C.F.R. § 745.113(a)(5). V See #7

9. Failed to include as an attachment or within the contract, a list of any records or reports available to the Seller that pertain to lead hazard information or the failure to indicate that no such list exists pursuant to 40 C.F.R. § 745.113(a)(3). Seller stated there were no records.

10. Failed to include in the contract a statement by the Purchaser affirming receipt of the information required by 40 C.F.R. § 745.113(a)(2) and (a)(3) and the lead hazard pamphlet required under 15 U.S.C. §2696 as specified in 40 C.F.R. § 745.113(a)(4). Seller stated there were no records.

11. Failed to include in the contract as an attachment, a statement by the one or more Agents involved in the transaction to sell target housing that the Agent(s) has informed the Seller of the Seller's obligations and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.1 13(a)(6). Agent signed the Lead Based Paint section of the Seller's Property Disclosure acknowledging notifying the Seller.

12. Failed to include in the contract signatures of the Seller, Agent and Purchaser certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.1 13(a)(7). Seller and Purchaser acknowledged the information was to the best of the Seller's knowledge.

13. Failed to retain a copy of the completed disclosure records for no less than three years from the completion date of the lease or sale pursuant to 40 C.F.R. § 745.1 13(c)(1). We now have a copy in our files.

6 Ventura Boulevard, Savannah, GA, dated February 8, 2006

1. Failed to include in the contract as an attachment, a statement by the one or more Agents involved in the transaction to sell target housing that the Agent(s) has informed the Seller of the Seller's obligations and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.113(a)(6)(i)(ii). Property was listed by Mopper Stapen Realtors. Our agent would not have contact with the seller to inform them of their obligations.

2. Failed to include in the contract signatures of the Seller, Agent and Purchaser certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.1 13(a)(7). The Seller signed the disclosure stating it was to the best of their knowledge true and accurate, and the Purchaser acknowledged receipt of the same.

5 St. Moritz Court, Savannah, GA, dated March 14, 2006

1. Failed to include in the contract as an attachment, a statement by the one or more Agents involved in the transaction to sell target housing that the Agent(s) has informed the Seller of the Seller's obligations and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.1 13(a)(6)(i)(ii). The Listing agent initialed the notification of obligations section but failed to sign.

1234 S. Rogers Street, Pooler, GA, dated March 24, 2006

The Seller of this property was the Mortgage holder who obtained the property from foreclosure. Section 35.82 excludes sales of housing at foreclosure. Foreclosure as defined in the Federal Register Vol61. No45 states: "Foreclosure means any of the various methods, statutory or otherwise known in different jurisdictions of enforcing payment of a debt, by the taking and selling of real property." The Mortgage company has a statement of disclosure in their foreclosure addendum. Notwithstanding this information we would respond to the allegations as such:

1. Failed to provide Purchaser or Lessee EPA-approved lead hazard information/pamphlet pursuant to 40 C.F.R. § 745.107(a)(1). The purchaser of this property was the agent writing the contract.

2. Failed to include as an attachment or within the contract, a statement by the Seller disclosing the presence of known lead-based paint and/or lead-based paint hazards or indicating no knowledge of the presence of lead-based paint and/or lead based paint hazards, pursuant to 40 C.F.R. § 745.113 (a)(2). *Seller did disclose by foreclosure addendum that they had no knowledge.*

3. Failed to permit the Purchaser a 10-day period to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards pursuant to 40 C.F.R. § 745.110(a). *The exempt seller did disclose no knowledge by paragraph in the foreclosure addendum attached to the contract.*

5417 Emory Drive, Savannah, GA, dated October 6, 2006

The Seller of this property was the Mortgage holder who obtained the property from foreclosure. Section 35.82 excludes sales of housing at foreclosure. Foreclosure as defined in the Federal Register Vol61, No45 states: "Foreclosure means any of the various methods, statutory or otherwise known in different jurisdictions of enforcing payment of a debt, by the taking and selling of real property." The Mortgage company has a statement of disclosure in their foreclosure addendum. Notwithstanding this information we would respond to the allegations as such:

1. Failed to provide Purchaser or Lessee EPA-approved lead hazard information/pamphlet pursuant to 40 C.F.R. § 745.107(a)(1). *The selling company Keller Williams Coastal Properties representing the purchaser is responsible for providing the pamphlet.*

2. Failed to include as an attachment or within the contract, a statement by the Seller disclosing the presence of known lead-based paint and/or lead-based paint hazards or indicating no knowledge of the presence of lead-based paint and/or lead based paint hazards, pursuant to 40 C.F.R. § 745.113 (a)(2). *The Seller included a foreclosure addendum to the contract regarding lead based paint and that they have no knowledge. They also inform the Purchaser it is their responsibility to do any inspections and assessments. This addendum was signed by the Purchaser.*

3. Failed to permit the Purchaser a 10-day period to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards pursuant to 40 C.F.R. § 745.110(a). *Seller is exempt from disclosure requirements, and did provide a risk assessment period.*

22 Red Fox Drive, Savannah, GA dated June 9, 2005

According to the Seller's Property disclosure and the Chatham County Tax Assessor, this property was built in 1978 and does not fall under the disclosure requirements of the EPA. Therefore, all violations would be not applicable.

1. Failed to provide Purchaser or Lessee EPA-approved lead hazard information/pamphlet pursuant to 40 C.F.R. § 745.107(a)(1).

2. Failed to permit the Purchaser a 10-day period to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards pursuant to 40 C.F.R. § 745.110(a).

3. Failed to include in the contract as an attachment a statement by the Purchaser of an opportunity to conduct a risk assessment or inspection or to waive an opportunity to do so pursuant to 40 C.F.R. § 745.113(a)(5).
4. Failed to include in the contract as an attachment, a statement by the one or more Agents involved in the transaction to sell target housing that the Agent(s) has informed the Seller of the Seller's obligations and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.113(a)(6).
5. Failed to include in the contract signatures of the Seller, Agent and Purchaser certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.113(a)(7)

5916 Betty Drive, Savannah, GA, dated January 6, 2006

1. Failed to provide Purchaser or Lessee EPA-approved lead hazard information/pamphlet pursuant to 40 C.F.R. § 745.107(a)(1).
2. Failed to permit the Purchaser a 10-day period to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards pursuant to 40 C.F.R. § 745.110(a). *Paragraph 8A. of the Purchase and sale agreement provides for the 10 right to conduct an inspection and risk assessment for Lead Based Paint.*
3. Failed to include in the contract as an attachment a statement by the Purchaser of an opportunity to conduct a risk assessment or inspection or to waive an opportunity to do so pursuant to 40 C.F.R. § 745.113(a)(5).
4. Failed to include in the contract as an attachment, a statement by the one or more Agents involved in the transaction to sell target housing that the Agent(s) has informed the Seller of the Seller's obligations and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.113(a)(6). *This was completed by the listing company agent and properly signed on the Seller's Disclosure*
5. Failed to include in the contract signatures of the Seller, Agent and Purchaser certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.113(a)(7) *Seller signed the Seller's Property Disclosure attesting to the accuracy to the best of their knowledge, and Purchaser acknowledged receipt of the disclosure.*

2107 Delesseps Avenue, Savannah, GA, dated April 5, 2006

1. Failed to provide Purchaser or Lessee EPA-approved lead hazard information/pamphlet pursuant to 40 C.F.R. § 745.107(a)(1). *The Selling company ERA Adams Pevey is responsible for providing information to the Purchaser.*
2. Failed to permit the Purchaser a 10-day period to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards pursuant to 40 C.F.R. § 745.110(a). *Paragraph 8A. of the Purchase and Sale agreement provides for the 10 day risk assessment and inspection and is a part of the contract.*
3. Failed to include in the contract as an attachment a statement by the Purchaser of an opportunity to conduct a risk assessment or inspection or to waive an opportunity to do so pursuant to 40 C.F.R. § 745.113(a)(5). *The selling broker is responsible for acquiring the attachment.*

4. Failed to include in the contract as an attachment, a statement by the one or more Agents involved in the transaction to sell target housing that the Agent(s) has informed the Seller of the Seller's obligations and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.113(a)(6),

5. Failed to include in the contract signatures of the Seller, Agent and Purchaser certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.113(a)(7) Seller signed the Seller Property Disclosure attesting to the accuracy to the best of their knowledge of the disclosure and the Purchaser acknowledged receipt.

12420 Deerfield Road, Savannah, GA, dated April 13, 2004

1. Failed to provide Purchaser or Lessee EPA-approved lead hazard information/pamphlet pursuant to 40 C.F.R. § 745.107(a)(1),

2. Failed to permit the Purchaser a 10-day period to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards pursuant to 40 C.F.R. § 745.110(a), Paragraph 8A. provides for the Purchaser to have 10 days for risk assessment and inspection.

3. Failed to include in the contract as an attachment a statement by the Purchaser of an opportunity to conduct a risk assessment or inspection or to waive an opportunity to do so pursuant to 40 C.F.R. § 745.113(a)(5),

4. Failed to include in the contract as an attachment, a statement by the one or more Agents involved in the transaction to sell target housing that the Agent(s) has informed the Seller of the Seller's obligations and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.113(a)(6), Listing company ERA Kelly Fisher would be responsible for informing the seller as Selling agent would not have contact with the seller.

5. Failed to include in the contract signature certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.113(a)(7) and

6. Failed to retain a copy of the completed disclosure records for no less than three years from the completion date of the lease or sale pursuant to 40 C.F.R. § 745.113(c)(1).

316 Phillips Avenue, Port Wentworth, GA dated November 15, 2005

Copy of the Seller's Property Disclosure was not in the office file, but was in the Agent file. Based upon the document, we are responding to the alleged violations.

1. Failed to provide Purchaser or Lessee EPA-approved lead hazard information pamphlet pursuant to 40 C.F.R. § 745.107(a)(1),

2. Failed to disclose to purchaser or Lessee the presence of any known lead-based paint and/or lead-based paint hazards in target housing pursuant to 40 C.F.R. § 745.107(a)(2), Seller signed and disclosed no knowledge of any lead based paint hazards and Purchaser acknowledged a copy of the Seller's Property disclosure.

3. Failed to disclose to each Agent the presence of any known lead-based paint and/or lead-based paint hazards in the target housing and the existence of any available records or reports pertaining to lead-based paint pursuant to 40 C.F.R. §

745.107(a)(3) Seller executed the Lead Based Paint section of the seller's disclosure acknowledging no knowledge of any lead based paint.

4. Failed to provide to Purchaser or Lessee any records or reports available to the Seller or Lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing as cited 40 C.F.R. § 745.107(a)(4) Seller disclosed no documents pertaining to lead based paint and Purchaser acknowledged receipt of the disclosure.

5. Failed to include as an attachment, or within the contract to purchase target housing, the Lead Warning Statement pursuant to 40 C.F.R. § 745.113(a)(1). The warning is part of the seller's disclosure lead based paint section and was acknowledged as received by the Purchaser.

6. Failed to include as an attachment or within the contract, a statement by the Seller disclosing the presence of known lead-based paint and/or lead-based paint hazards or indicating no knowledge of the presence of lead-based paint and/or lead based paint hazards, pursuant to 40 C.F.R. § 745.113 (a)(2). Seller's disclosure was an attachment to the contract with the statement from the seller of no knowledge of any hazards.

7. Failed to permit the Purchaser a 10-day period to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards pursuant to 40 C.F.R. § 745.110(a). Paragraph 8A of the Purchase and sale agreement provides for the 10 day risk assessment and inspection right.

8. Failed to include in the contract as an attachment a statement by the Purchaser of an opportunity to conduct a risk assessment or inspection or to waive an opportunity to do so pursuant to 40 C.F.R. § 745.113(a)(5).

9. Failed to include as an attachment or within the contract, a list of any records or reports available to the Seller that pertain to lead hazard information or the failure to indicate that no such list exists pursuant to 40 C.F.R. § 745.113(a)(3). Seller indicated on seller's disclosure no records or knowledge of any lead based paint hazards.

10. Failed to include in the contract a statement by the Purchaser affirming receipt of the information required by 40 C.F.R. § 745.113(a)(2) and (a)(3) and the lead hazard pamphlet required under 15 U.S.C. § 2696 as specified in 40 C.F.R. § 745.113(a)(4). Purchaser affirmed receipt of the seller's disclosure.

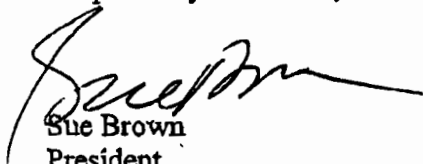
11. Failed to include in the contract as an attachment, a statement by the one or more Agents involved in the transaction to sell target housing that the Agent(s) has informed the Seller of the Seller's obligations and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.113(a)(6). Listing agent signed lead based paint portion of the disclosure affirming disclosure to the seller of their obligations

12. Failed to include in the contract signatures of the Seller, Agent and Purchaser certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.113(a)(7) Seller signed the seller's disclosure attesting to the accuracy of the statements to the best of their knowledge and the Purchaser acknowledged receipt of this disclosure.

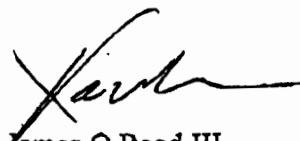
13. Failed to retain a copy of the completed disclosure records for no less than three years from the completion date of the lease or sale pursuant to 40 C.F.R. § 745.113(c)(1). We failed to maintain this record in the proper file.

As you can see the scope and magnitude of the violations is significantly less than the documents submitted to us would allege. We would submit that our violations at a first time audit are of no greater scope and severity as other brokers in the area who have been audited. Since our audit we have instituted policies to insure these types of errors are corrected and proper documentation and disclosure is made to the appropriate parties within the time requirements of the EPA disclosures. Agents are not paid commissions on any contracts which do not include the proper documents to fulfill the requirements of the EPA regulations.

Respectfully submitted,



Sue Brown
President
Old Hickory Properties Inc.
Dba RE/MAX Savannah



James O Reed III
Vice President and Qualifying Broker
Old Hickory Properties Inc.
dba RE/MAX Savannah



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 13 2007

The Honorable Jack Kingston
Member, U. S. House of Representatives
1 Diamond Causeway
Savannah, Georgia 31406

Dear Congressman Kingston:

Thank you for your July 11, 2007, facsimile on behalf of Ms. Sue Brown and Mr. James Reed of RE/MAX Savannah concerning a pending enforcement action initiated by the U.S. Environmental Protection Agency (EPA) for violations of the Toxic Substances Control Act (TSCA), specifically the Lead-Based Paint Disclosure Rule (Disclosure Rule).

Enforcement of the Disclosure Rule is one of EPA's primary tools for reducing childhood lead poisoning from exposure to lead-based paint and lead-based paint hazards. We are working diligently with other federal, state and local agencies to meet the goal of virtually eliminating lead poisoning in children by 2010. By ensuring that landlords and real estate professionals provide information on potential lead-based paint hazards to purchasers and tenants of pre-1978 homes, families are better equipped to make housing choices which protect their children from lead in the home. Failure to provide the appropriate disclosures under the Disclosure Rule may result in the potential exposure of children to lead-based paint hazards, a primary cause of childhood lead poisoning.

Under the Disclosure Rule, listing agents, selling agents, and buyers agents (if paid by the Seller) are "agents" and are, therefore, responsible for ensuring compliance under the rule. Our inspections of two separate real estate offices operated by RE/MAX Savannah revealed violations of the Disclosure Rule.

Because it is EPA's longstanding policy not to discuss specific information regarding pending enforcement actions with outside parties, I am unable to provide many details of this situation at this time; however, I assure you that we afford respondents, such as RE/MAX Savannah, equitable treatment under EPA's enforcement policies. As part of our enforcement process, we offer the respondent an opportunity to present any additional information for EPA to consider in evaluating the company's level of compliance. As stated in their letter, the company provided additional information on July 9, 2007, and we are continuing to work with RE/MAX Savannah to reach an appropriate settlement. As part of our settlement efforts, we also consider several factors, including an ability to pay, the size of the business, the company's willingness to come into compliance, and where appropriate, the option to schedule penalty payments over time.

Since the Disclosure Rule was promulgated in 1996, we have undertaken extensive outreach and compliance assistance efforts to inform the regulated community about the requirements of the rule. These efforts include providing fact sheets, purchasing booth space at property management and real estate association conferences, as well as maintaining a toll-free hotline and national and regional web pages. We will continue to maintain a widespread outreach program in this area.

If you have questions or need additional information, please contact me or the EPA Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

A handwritten signature in black ink, appearing to read "J. I. Palmer, Jr.", with a large, stylized initial "J" and a flourish at the end.

J. I. Palmer, Jr.
Regional Administrator

cc: Carol Couch, Ph.D., Director
Georgia Environmental Protection
Division

08-000-8200

Congress of the United States
Washington, DC 20515

June 13, 2008

The Honorable James B. Gulliford
Assistant Administrator
US Environmental Protection Agency
Office of Prevention, Pesticides, and Toxic Substances
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Assistant Administrator Gulliford,

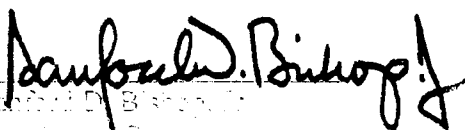
We are keenly aware that the Environmental Protection Agency is still considering the re-registration of the class of herbicides known as the organic arsenicals. On July 26, 2007, we sent you a letter expressing our interest in this matter and highlighting the need for these products for effective weed control by turfgrass and cotton producers. While we appreciate the continued work on this matter, we remain very concerned about the potential impact to agricultural production and turfgrass management if these compounds are removed from the market.

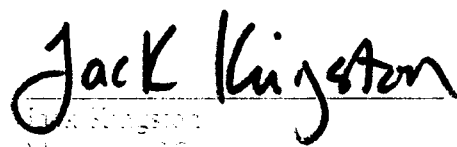
We recognize that you and your staff have taken time to meet with farmers in Georgia and the southeast who utilize these herbicides to examine their weed control challenges first-hand. Monosodium Acid Methanearsonate (MSMA) has proven to be an effective tool for the control of Tropical Spiderwort and herbicide-resistant weeds, such as Palmer Amaranth. In turfgrasses, especially bermudagrass, there are no comparable substitutes for the organic arsenical herbicides on certain weeds. It is our understanding that agriculture industry leaders, researchers and registrants are working with you to resolve science-based questions that have been prompted during your review process. We trust that such input and continued study of the cost/benefit of these compounds will aid in your final decision.

These compounds are still very important for weed management in turfgrass and cotton production for farmers in Georgia. We ask that you expedite the registration process without condition.

Thank you for your attention to this matter.

Sincerely,


Sanford D. Bishop, Jr.
Member of Congress


Jack Kingston
Member of Congress

David Scott

Thomas Price

John Banner

Phil Proger

Lynne Allen

Hank Johnson

Gene Brown

John Zinder



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 17 2008

The Honorable Jack Kingston
U.S. House of Representatives
Washington, D.C. 20515

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Dear Congressman Kingston:

Thank you for your letter of June 13, 2008, regarding the proposed cancellation of MSMA and related organic arsenical herbicides. I appreciate the opportunity to address your concerns.

In August 2006, the Environmental Protection Agency (EPA) announced in a Reregistration Eligibility Decision (RED) document for the organic arsenical herbicides MSMA, DSMA, CAMA, and cacodylic acid that the Agency has determined all products containing these herbicides are not eligible for reregistration. The public comment period on this RED was extended several times to facilitate a full and open public process in the evaluation of the risks and benefits of the organic arsenical herbicides.

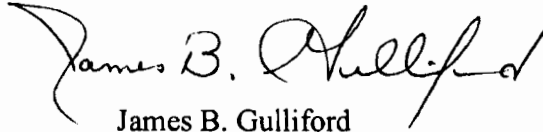
EPA received several hundred comments from a wide range of stakeholders, including technical registrants, end use registrants, state agencies and regulators, public interest groups, end users, and the general public. The Agency has completed the evaluation of all comments and data submitted. This information has been placed in a "response to comments" document in the public docket (docket number: EPA-HQ-OPP-2006-0201, Document ID Number 0466, <http://www.regulations.gov>).

The Agency's primary concern is the potential for applied organic arsenicals to transform in the soil to the more toxic form – inorganic arsenic – which is known to cause cancer in humans. EPA's cancer risk assessment is based on the findings of the Agency's Scientific Advisory Board and reflects the most current scientific thinking on the hazard associated with arsenic. The Agency has used modeling as well as actual field monitoring studies that indicate higher levels of inorganic arsenic in drinking water in areas of high arsenical herbicide use.

EPA recognizes that MSMA and other organic arsenicals have provided important weed control benefits to turf-grass and cotton growers. We are continuing to work with the manufacturers of these herbicides and other stakeholders to determine if any mitigation measures could be employed to ensure that these herbicides do not reach drinking water sources, while maintaining some of the beneficial use of these compounds.

If you have further questions, please contact me directly or your staff may contact Ms. Christina Moody in the Office of Congressional and Intergovernmental Relations at (202) 564-0260.

Sincerely,

A handwritten signature in black ink, appearing to read "James B. Gulliford". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

James B. Gulliford
Assistant Administrator

JACK KINGSTON
1st District, Georgia

WASHINGTON OFFICE
2242 Rayburn House Office Building
Washington, DC 20515
(202) 225-5831
(202) 226-2269 FAX

BRUNSWICK OFFICE
Federal Building, Room 304
805 Gloucester Street
Brunswick, GA 31520
(912) 265-9010
(912) 265-9013 FAX



Congress of the United States
House of Representatives

October 6, 2005

05-001-5178
Committee On Appropriations
Vice Chair, Republican Conference

SAVANNAH OFFICE
One Diamond Causeway
Suite 7
Savannah, GA 31406
(912) 352-0101
(912) 352-0105 FAX

BAXLEY OFFICE
P.O. Box 40
Baxley, GA 31515
(912) 367-7403
(912) 367-7404 FAX

WARNER ROBINS OFFICE
P.O. Box 9348
Warner Robins, GA 31095
(478) 923-8987
(478) 923-4734 FAX

Mr. Charles L. Engebretsen
Associate Administrator for Congressional Affairs
Environmental Protection Agency
1200 Pennsylvania Ave, NW, Room 3426 ARN
Washington, D.C. 20460

Dear Mr. Engebretsen:

One of my constituents, Bill Owens, has contacted me regarding a matter in which I believe your agency could be helpful. Therefore, the enclosed communication is submitted for your review.

I would very much appreciate your responding to the points raised by my constituent, and providing any assistance available under the applicable laws and regulations.

The contact person on my staff for this case is Charles Wilson. He can be reached at (912) 265-9010.

Thank you very much for your consideration and for advising me of any action you take in this matter.

Sincerely,

A handwritten signature in black ink that reads "Jack".

Jack Kingston
Member of Congress

Reply to: Charles Wilson
Federal Building, Room 304
805 Gloucester Street
Brunswick, GA 31520



P. O. Box 2443, Brunswick, Georgia 31521
Office: 912-466-0934 Home: 912-638-0240 Fax 912-466-0959
Email: gec@darientel.net Web Site: www.glynnenvironmental.org

Bill Owens, President

August 12, 2005

Congressman Jack Kingston
C/O Rob Asbell
805 Gloucester Street
Brunswick, Georgia 31520

Re: Assistance in obtaining information concerning the Priority Ranking for Remedial Action, and decision of the EPA's National Remedy Review Board concerning funding of the Remedial Action for the Brunswick Wood Preserving Superfund Site.

Dear Congressman Kingston,

The Glynn Environmental Coalition (GEC) has made a good-faith effort to obtain information about the January 28/29, 2004 meeting to establish a Priority Ranking for the Remedial Action at the Brunswick Wood Preserving Superfund Site (Site). We have been unable to obtain this information and are requesting your assistance.

The Priority Ranking, and where the Site is ranked is critical to us, if we are to know where our community stands in the national pecking order for funding the containment through the Remedial Action. All the design work has been completed, but funding has not been committed to start the work. Meanwhile, groundwater contamination continues to spread, and the drainpipe from the Site continues to discharge diesel fuel and pentachlorophenol (wood preserving chemical) to Burnett Creek; this dangerous seepage has now entered its 36th year.

Another meeting about funding the Site's containment plan took place on June 9, 2005. The EPA's National Remedy Review Board met to discuss funding Remedial Action work. We beg your help, once again. What information was presented? What was the decision of the Board? Erroneous information about the Site is in the records, and misleading information continues to be released by the EPA about the Site.

The EPA was quoted as follows in a July 30, 2005 Brunswick News article: "Since the risk has been reduced by the cleanup efforts, the Site has been pushed down the list for funding." This bald statement contradicts the only internal EPA document on the Priority Ranking we could obtain, which is the Power Point presentation at the January 28/29, 2004 Priority Ranking meeting. At that time, and in that place, off-Site risks were thus:

- Dioxin contamination in Burnett Creek and free product continues to discharge
- Potential impacts to 6 municipal wells within 4 miles serving 6,000 people
- Several private wells near site

Other concerns noted were:

- Turtle, duck carcasses observed in ponds
- Deer observed on site (carcass reported)
- Children swim and fish in creek



- Large ponds are an **imminent threat** to human health and environment
- Fences are not an adequate long-term solution
- Site is attractive to trespassers, ATVs, and children fishing
- Regular newspaper coverage
- **Rep. Jack Kingston stays informed**

Congressman, they listed your staying informed as one of their concerns. Could this be why the EPA does not want us to know the Site Priority Ranking? It smacks to me of fear that you will be informed, that the GEC will have the audacity to correct any misinformation. Regardless of the EPA's motivation for withholding the Priority Ranking information, does not our community have a right to know, so we can intelligently discuss the Site, and Glynn County can wisely plan for the future? We are disturbed that the EPA is representing to our community that the Site is not a health risk, when they do just the opposite at meetings like the Priority Ranking. Your help is needed to bring all information about the Site into the sunshine. There is no justification for the withholding of information from you or our community.

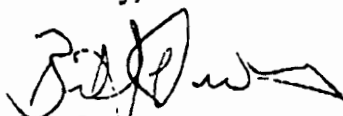
Your help and compassion in the past have made things happen (remember our request for a fence and signs around the Site and how the EPA felt these were such unreasonable requests?) We are in much the same situation, except this time the EPA is blocking the information flow to our community, in much the same way they used the bulldozing of a tree (root ball included) to hide, but not stop, the inexorable trickle of poison out of the Site's drain pipe into the creek.

Please make every effort to obtain all information, notes, memos, and documents concerning the Priority Ranking for Remedial Action, and the resultant funding decision of the EPA's National Remedy Review Board, *vis a vis* the BWP Superfund Site.

In a May 26, 2005 letter to you, the EPA said, "the Superfund program is managed to ensure protection of human health and the environment from **imminent threats**, while making the best use off available funds." (emphasis added) The EPA did note in the Priority Ranking presentation that the Site does pose imminent threat to human health and the environment. With your invaluable leadership, perhaps we can make the EPA take appropriate action and fund the Remedial Action for the Site.

Thank you again for all your help in making this Site's containment a reality.

Sincerely,



Bill Owens, President

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAY 26 2005

The Honorable Jack Kingston
Member, United States House of Representatives
Federal Building, Room 304
805 Gloucester Street
Brunswick, Georgia 31520

Dear Congressman Kingston:

Thank you for your March 31, 2005, letter on behalf of Mr. Frank Lea, President of Glynn Environmental Coalition, concerning funding for the Brunswick Wood Preserving Superfund Site. The U.S. Environmental Protection Agency (EPA) appreciates your continued interest and support in the cleanup of this site.

In fiscal year 2004, EPA funded all ongoing cleanup construction work and funded 27 projects that were ready for new construction funding. As has been the case over the past few years, the current level of appropriated program funding in fiscal year 2005 does not permit the Superfund program to start long-term cleanup at every project that is ready to begin construction. EPA plans to supplement its fiscal year 2005 Superfund construction budget from carryover and deobligation sources, but does not know the total amount of money that will be available until late in the fiscal year. EPA still does not expect to start every long term cleanup that is ready for construction in fiscal year 2005. Therefore, the Superfund construction budget is being managed by evaluating all sites that are ready to begin EPA funded cleanup and by allocating funding based primarily on the risk posed by these sites. The Superfund program is managed to ensure protection of human health and the environment from imminent threats, while making the best use of available funds.

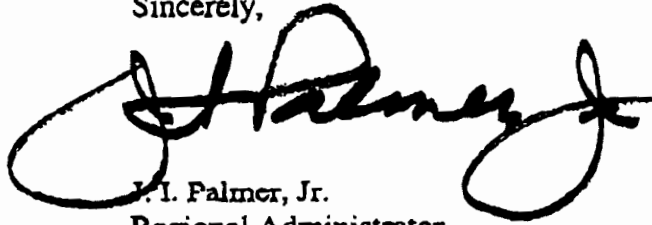
In addition to the work being performed using EPA appropriated funding, the Agency has continued its vigorous Superfund enforcement efforts. Historically, roughly 70 percent of Superfund sites are cleaned up by those responsible for the pollution and not by federal taxpayer funding. Since the beginning of the Superfund program, more than \$22 billion in cleanup commitments and funding have been provided by the parties responsible for toxic waste sites. Superfund cleans up only those sites left after EPA enforcement actions have been exhausted, such as in the case with the Brunswick Wood Preserving Site.

EPA has made significant progress in moving the Brunswick Wood Preserving site towards cleanup. In November 2004, design of the selected remedy was completed. In April 2005, EPA and the Georgia Environmental Protection Division signed an agreement ensuring the State's 10 percent share for all remedial action cleanup costs, as required by law. As the availability of funding is better known later in this fiscal year, EPA will make final funding decisions regarding the Brunswick Wood Preserving Site.

In the meantime, EPA will continue to actively engage the Brunswick community in site activities to inform residents of the progress. Site updates are routinely sent to our mailing list to notify residents of recent developments and upcoming activities. When the project is funded, EPA plans to conduct a public availability meeting prior to the start of field work to address specific concerns of residents living near the site. However, if you decide to convene a meeting to discuss these concerns further with your constituents, we will make appropriate staff available.

If you have further questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "J. I. Palmer, Jr.", is positioned above the printed name.

J. I. Palmer, Jr.
Regional Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV 22 2005

The Honorable Jack Kingston
Member, United States House of Representatives
Federal Building, Room 304
805 Gloucester Street
Brunswick, GA 31520

Dear Congressman Kingston:

Thank you for your October 6, 2005, letter on behalf of Mr. Bill Owens, President of the Glynn Environmental Coalition, concerning funding for the Brunswick Wood Preserving Superfund Site. Mr. Owens requested your assistance in obtaining all documents from the U.S. Environmental Protection Agency (EPA) that may be relevant to funding of the site remedial action.

Due to the broad nature of the request, I have forwarded it to the appropriate staff for response in accordance with the Freedom of Information Act (FOIA). The FOIA office will work directly with Mr. Owens to discuss the scope of the request in more detail.

If you have further questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

J. I. Palmer, Jr.
Regional Administrator

cc: Randy Dominy
FOIA & Records Service Section, EPA Region 4

06-060-4135

Congress of the United States
Washington, DC 20515

Charles
CCU
Stephanie
Judy
John
Anthony
Cynthia
Chris
Jim W

March 10, 2006

Stephen L. Johnson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Federal Building Rm. 3204
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Dear Mr. Johnson:

We are writing to urge that you act expeditiously in granting the Petition for Exemption from EPCRA and CERCLA Release Reporting Requirements for Ammonia Emissions from Poultry Operations that was submitted by the broiler and turkey industry on August 5, 2005, and recently published by the Agency for comment. 70 Federal Register 76452 (Dec. 27, 2005).

Poultry producers in the State of Georgia are committed to meeting their environmental obligations and complying with all appropriate requirements to protect air quality. Producers are funding and participating in the Agency's ongoing studies under the Air Compliance Agreement to gather the information needed for determining whether controls on ammonia emissions should be required pursuant to the Clean Air Act, and producers will cooperate with EPA to identify any emission control needs that might be documented by those studies.

The Petition addresses a fundamentally different issue. EPA should grant the request for exemption in order to relieve unjustified "emergency" release reporting burdens and potential liability faced by farmers. This action will entail no sacrifice of environmental quality and will not impair the ability of emergency responders to meet their responsibilities.

On the contrary, the exemption will eliminate the burden on response agencies from potentially thousands of "emergency" reports concerning well-known, routine, low-level ammonia releases, allowing those agencies to focus resources on true chemical release emergencies.

For these reasons, we ask that you act expeditiously in granting the petition. Thank you for your attention to this matter, and we look forward to working with you on this issue.

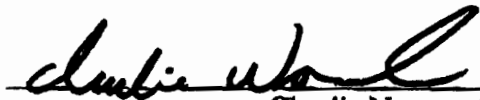
Respectfully,



Nathan Deal



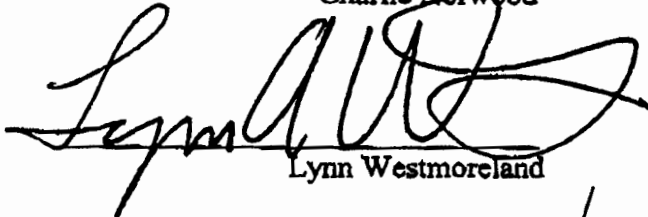
Sanford Bishop



Charlie Norwood



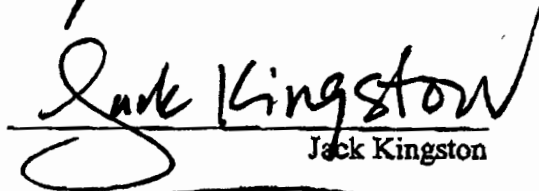
David Scott



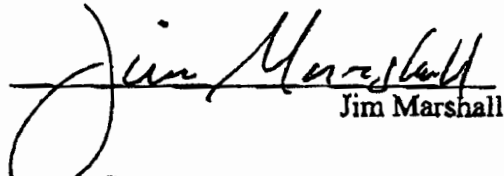
Lynn Westmoreland



John Barrow



Jack Kingston



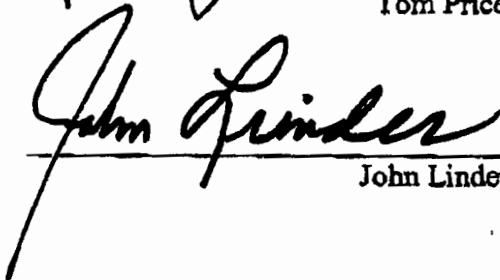
Jim Marshall



Tom Price



Phil Gingrey



John Linder



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 06 2006

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Jack Kingston
United States House of Representatives
2242 Rayburn House Office Building
Washington, DC 20515


Dear Congressman Kingston:

Thank you for your letter of March 10, 2006, to Administrator Johnson urging the Agency to act expeditiously in granting the petition for exemption from the Emergency Planning and Community Right-to-Know Act (EPCRA) and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) reporting requirements for ammonia emissions from poultry operations. As you noted in your letter, that petition was submitted to the Agency on August 5, 2005, and published in the *Federal Register* on December 27, 2005. I appreciate your concern regarding the status of the petition and your desire for the Agency to act expeditiously in its decision whether to grant the petition.

The *Federal Register* notice allows for a public comment period on the petition that will close on March 27, 2006. Consideration of public comments submitted during this period will be an important part of the Agency's review and decision-making process regarding the petition.

Again, thank you for sharing your concerns and those of your colleagues with the Agency. If you have further questions or would like information regarding the progress of the petition's review, please contact me, or your staff may contact Carolyn Levine in the Office of Congressional and Intergovernmental Relations, at (202) 564-1859.

Sincerely,


Susan Parker Bodine
Assistant Administrator

06-600-8131

Congress of the United States
Washington, DC 20515

May 24, 2006

Stephen L. Johnson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Federal Building
Mail Code 1101 A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Dear Mr. Johnson:

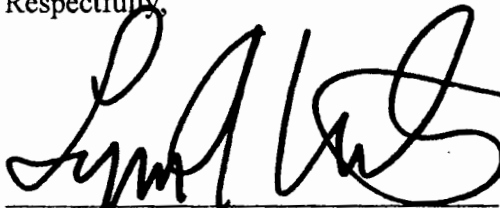
It has come to our attention that the Environmental Protection Agency is in its final review of proposed pesticide container and containment regulations. We raise serious concerns about the impact of this nationwide regulatory requirement on small businesses that serve the agricultural industry. Georgia agribusinesses have a strong stewardship track record and many take extra care in protecting the environment.

We know that it is important to you as administrator that EPA be fair and evenhanded in the development and implementation of regulations. Because of the diversity of agricultural production across the nation, we ask that the specific provisions be dropped from any final EPA rule and be utilized as recommendations for state regulatory authorities. The Georgia Department of Agriculture has the capability to manage this along with other related pesticide regulatory programs in our state. We believe that they should be allowed to continue offering containment recommendations, with EPA oversight and cooperation, or develop state specific pesticide container and containment regulations for state agricultural retailers and custom applicators.

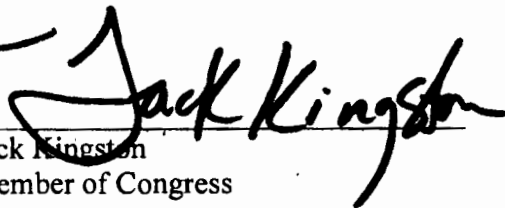
Reasonable solutions to this issue are possible by fostering cooperative efforts among the agricultural community, state department of agriculture and EPA. We all agree that agribusinesses need to apply sound stewardship practices and this can best be accomplished at the state level.

Thank you for your attention to this matter and we look forward to your response.

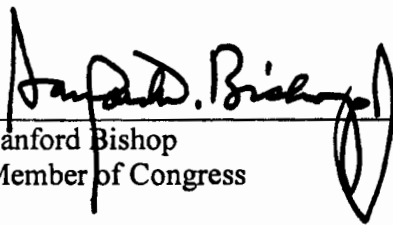
Respectfully,

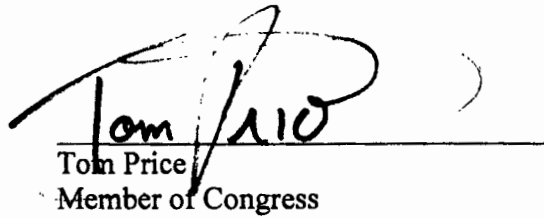


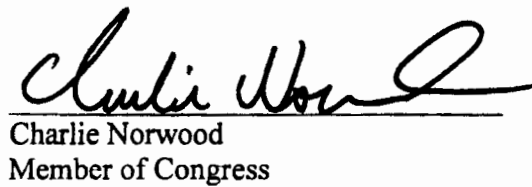
Lynn A. Westmoreland
Member of Congress

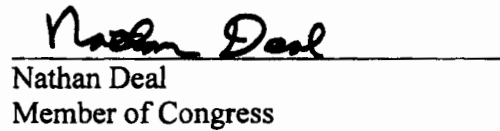


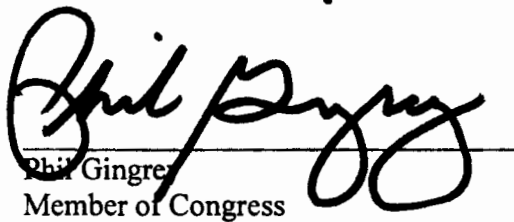
Jack Kingston
Member of Congress

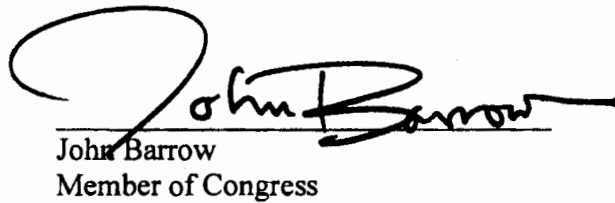

Sanford Bishop
Member of Congress


Tom Price
Member of Congress

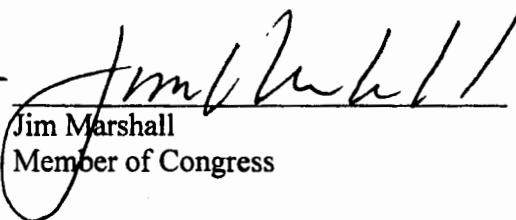

Charlie Norwood
Member of Congress

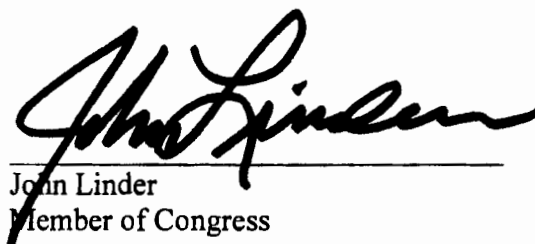

Nathan Deal
Member of Congress


Phil Gingrey
Member of Congress


John Barrow
Member of Congress


David Scott
Member of Congress


Jim Marshall
Member of Congress


John Linder
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 22 2006

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

The Honorable Jack Kingston
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Kingston:

Thank you for your letter of May 24, 2006 to Administrator Stephen L. Johnson regarding the proposed container and containment regulations. Administrator Johnson asked that I respond to you on behalf of the U.S. Environmental Protection Agency (EPA) since my office is responsible for regulating pesticides.

We believe that federal containment standards, together with requirements for container design and residue removal, are essential for achieving the goal of ensuring the safe use, reuse and refill of pesticide containers. In fact, the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) mandates federal regulations that will promote the safe storage and disposal of pesticides and that prescribe procedures and standards for cleaning pesticide containers before disposal. We also recognize that we must be mindful of the impacts of regulations on small businesses.

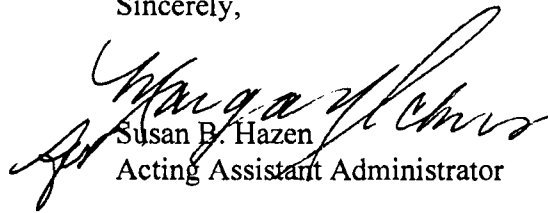
Based on the economic analysis of the container and containment rule, we believe that the regulations will not have a significant economic impact on small businesses. Our economic analysis exceeded what is required by law because we divided the universe of small businesses into three subcategories based on size and analyzed the impact on facilities of each size subcategory as well as on large businesses. We did this refined analysis so we could accurately characterize the impact of the rule on the smallest facilities, which could have been concealed otherwise. The Small Business Administration supported this approach because it ensured that impacts on the smallest entities would not be lost when totaling the potential impacts on all small businesses. In addition, we are developing small business compliance guides for both the container and containment parts of the rule to assist small businesses in determining whether they are subject to the rule and what they must do to comply.

We appreciate the perspective of members of Congress that cooperative efforts are needed among the agricultural community, State Departments of Agriculture and EPA to achieve sound stewardship at agribusinesses. In developing the container and containment standards, the Agency worked with State officials, USDA, members of the regulated community and the public. We recognize that Georgia's Department of Agriculture has the capability to manage a pesticide containment regulatory program. As proposed, the federal standards would provide

baseline standards that States, like Georgia, can use as a model for developing their own State regulations that address local conditions and practices, and which can certainly be more expansive than the federal standards.

Thank you for the opportunity to address your concerns. If I may be of further assistance, please let me know, or your staff may contact Ms. Loan Nguyen in the Office of Congressional and Intergovernmental Relations at 202-564-4041.

Sincerely,



Susan B. Hazen
Acting Assistant Administrator

10-001-2528

Congress of the United States
Washington, DC 20515

July 19, 2010

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Federal Building
1200 Pennsylvania Avenue, NW
Room 3000
Washington DC 20460

Dear Administrator Jackson:

We are keenly aware that 2009 action by the 6th Circuit Court of Appeals has vacated EPA's 2007 rule that exempted certain pesticide applications that are compliant with FIFRA from the NPDES provisions of the Clean Water Act (CWA). After review of the NPDES Draft General Permit issued by your staff, there are numerous concerns about the content in the draft and we trust you will continue working with the regulated community to address these issues.

As you are aware, the 6th Circuit Court of Appeal's decision marks a national pre-emption of FIFRA by the CWA for the first time in the history of either statute. To the strict use requirements of product labels, EPA would now add numerous planning, performance, recordkeeping and reporting requirements to the workload of professional applicators and decision-making organizations ("operators") during their busiest times of the year. By making such burdensome paper-work procedures public, EPA would expose operators to unnecessary legal risks from citizen suits. In addition, the requirement that every pesticide application covered by this permit employ Integrated Pest Management (IPM) planning, surveillance and recordkeeping procedures will delay timely pesticide applications, create needless costs for operators, and increase the cost of pest control. We believe EPA has much work to do in the remainder of 2010 to tailor the permit into a workable, affordable, and legally-defensible final version. Providing consistency with the requirements of product labels and reducing needless paperwork would be important steps in the right direction.

However, each user group must determine for itself if the conditions of its pesticide applications would be subject to the CWA and warrant their seeking permit protection and accompanying compliance obligations. There are numerous different terrestrial pesticide uses in municipal, residential, recreational, agricultural, horticultural, silvicultural, utility rights-of-way and transportation areas, or other settings in Georgia and across the country, and each is likely to have different factors to consider.

July 19, 2010

Page Two

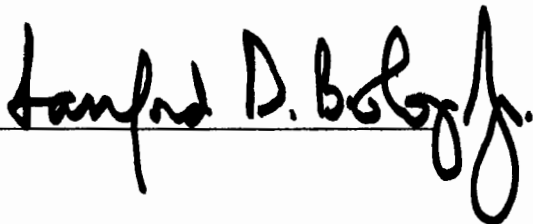
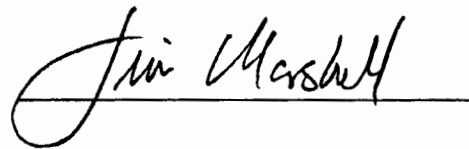
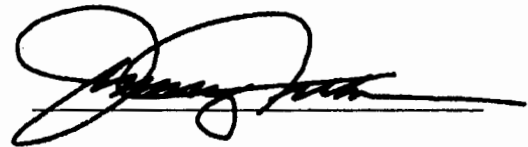
The Honorable Lisa Jackson

The term "near" regarding water pesticide applications is defined in the draft permit only in terms of the four pesticide use categories: Mosquito and other flying insect pest control applications *"in or above standing or flowing water"*; Aquatic weed and algae control applications *"in water or at water's edge, including irrigation ditches and/or irrigation canals"*; Aquatic nuisance animal control applications *"in water and at water's edge"*; and forest canopy pest control applications made *"over a forest canopy where ... a portion of the pesticide unavoidably will be applied over and deposited to water below."* The term "near," varies significantly in each of these situations. A clear understanding of "near" and how that definition could affect the legal vulnerability of the operators is sorely needed.

Unfortunately, the two-year stay by the 6th Circuit of its 2009 decision ends on April 9, 2011, when the permits must be available to pesticide applicators and operators in all 50 states. We are concerned these permits will not be finished by the Court deadline, and that operators making legal pesticide applications on April 8th to and over, including "near," waters of the US will overnight face legal jeopardy if they lose the protections of EPA's 2006 rule and have no access to state permits. We urge EPA to seek a commitment from the Court for further extension should it appear in early 2011 that the April 9 deadline will not be met.

This is a major issue for agricultural producers in Georgia. As a result, they are at risk due to the decision of the courts and they want to work with EPA to see that the general NPDES permits are protective of their rights to apply pesticides under the registration and use provisions of FIFRA. Your consideration of our request and action to address these concerns is appreciated.

Sincerely,

Handwritten signature of Sanford D. Bobb in black ink, written over a horizontal line.Handwritten signature of Jim Marshall in black ink, written over a horizontal line.Handwritten signature of David C. Co. in black ink, written over a horizontal line.Handwritten signature of David C. Co. in black ink, written over a horizontal line.

July 19, 2010

Page Three

The Honorable Lisa Jackson

Jack Kingston

Lynne Utter

Tom Graves GA-9



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP - 1 2010

OFFICE OF
WATER

The Honorable Jack Kingston
United States House of Representatives
Washington, DC 20515

Dear Congressman Kingston:

Thank you for your July 19, 2010, letter to Administrator Jackson regarding EPA's ongoing development of a Clean Water Act National Pollutant Discharge Elimination System (NPDES) pesticides general permit. Administrator Jackson requested that I respond to your letter.

In 2006, EPA promulgated a rule that clarified that NPDES permits are not necessary for certain discharges to waters of the United States from the application of pesticides to or over, including near such waters. EPA was sued on that rule and on January 7, 2009, the Sixth Circuit Court of Appeals vacated that 2006 rule. As a result of the Court's ruling, certain discharges from the application of pesticides are now required to be covered under an NPDES permit whether or not those discharges are already regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA requested and received a two-year stay of the Court's decision, until April 9, 2011, to provide time for us and the states to develop the necessary NPDES permits for such discharges and to communicate these new requirements to affected stakeholders.

Since that Court decision, we have been working closely with States (as co-regulators) and other stakeholders (e.g., numerous industry and environmental groups) to develop an NPDES general permit that will provide pesticide applicators with an option for complying with the Court's decision. We proposed our draft Pesticides General Permit (PGP) on June 4, 2010 and accepted comments through July 19, 2010. Approximately 750 sets of comments were submitted to EPA on the draft permit and we are considering those comments as we work to issue a final permit by December 2010. This permit was developed with the intent of not causing undue burden on pesticide applicators, of not imposing duplicative or redundant requirements, and providing a legally defensible mechanism that provides the necessary Clean Water Act protections from the application of pesticides. EPA's permit, when final, will be available in areas where States do not have NPDES permitting authority. Concurrent with EPA's PGP development, 44 States that are authorized to issue NPDES permits, including Georgia, are developing similar pesticide general permits with a goal of having permits in place no later than April 9, 2011.

In your letter, you expressed concern about the possible administrative burden of the PGP on professional applicators. Please be aware that without the availability of the *general* permit we are developing for such discharges, pesticide applicators would have to obtain coverage under a generally more administratively burdensome NPDES *individual* permit. We believe the PGP under development provides a reasonable approach to meeting the goals of the Clean Water Act while not causing undue burden on the regulated community.

You also had concerns about the scope of pesticide applications covered under the draft PGP. The scope of applications covered was a specific area we asked for comment on in our June 4, 2010 Federal Register Notice. The draft PGP generally included coverage for pesticide applications that had been identified in the 2006 rule as not needing permit coverage and that now, because of the Court's decision, require coverage beginning April 9, 2011. These use patterns are applications to or over, including near waters of the United States. We received multiple comments from stakeholders on this issue of scope and specifically on the issue of whether additional pesticide applications would need permit coverage. We will consider these stakeholder comments in our final PGP.

As to your concerns about the term "near", the term is used to reflect the proximity of the pesticide application to a waterbody that would result in a discharge. Whether a permit is needed is not dependent on the definition of "near;" rather, it is dependent on whether the pesticide application at a particular location, will result in a point source discharge of a pollutant to waters of the United States.

You also mentioned in your letter that pesticide applicators face legal jeopardy if NPDES-authorized states do not have permits in place by April 9, 2011. We understand those concerns and we have been working very closely with the States to ensure that their permits are timely. We are also considering our options should we find a state unable to issue its permit(s) on time.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Mr. Greg Spraul in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0255.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Shysun" or similar, with a stylized flourish at the end.

Peter S. Silva
Assistant Administrator

JUN. 12. 2009 4:40PM

KINGSTON-SAVANNAH

NO. 6957 P. 2

JACK KINGSTON
1st District, Georgia

WASHINGTON OFFICE
2368 Rayburn House Office Building
Washington, DC 20515
(202) 225-5831
(202) 226-2269 FAX

BRUNSWICK OFFICE
Federal Building, Room 304
805 Gloucester Street
Brunswick, GA 31520
(912) 285-9010
(912) 285-9013 FAX



Committee On Appropriations
Ranking Member, Agriculture Subcommittee
Defense Subcommittee

SAVANNAH OFFICE
One Diamond Causeway
Suite 7
Savannah, GA 31406
(912) 352-0101
(912) 367-0105 FAX

BAXLEY OFFICE
(912) 367-7403
(912) 367-7404 FAX

VALDOSTA OFFICE
Federal Building, Room 215
P.O. Box 5264
Valdosta, GA 31603
(229) 247-9188
(229) 247-9189 FAX

Congress of the United States

House of Representatives

June 11, 2009

Ms. Joyce K. Frank
Acting Associate Administrator for Congressional
Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Ave. NW Room 3426 ARN
Washington, DC 20460

Dear Ms. Frank:

One of my constituents, Mr. *Exple* has contacted me regarding a matter in which I believe your agency could be helpful. Therefore, the enclosed communication is submitted for your review.

I would very much appreciate your responding to the points raised by Mr. *Exple*, and providing any assistance available under the applicable laws and regulations.

The contact person on my staff for this case is Trish DePriest. She can be reached at (912) 352-0101.

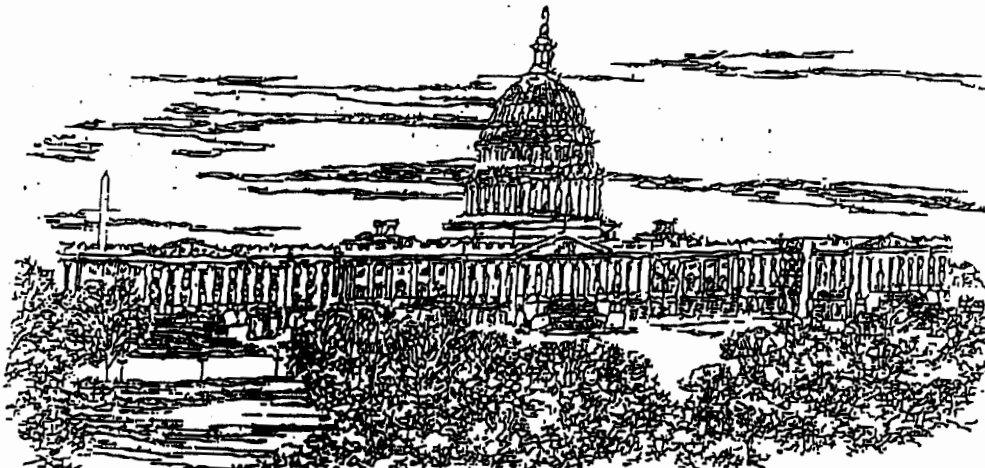
Thank you very much for your consideration and for advising me of any action you take in this matter.

Sincerely,

Jack Kingston
Jack Kingston
Member of Congress

Please reply to:

Congressman Jack Kingston
One Diamond Causeway
#7
Savannah, Georgia 31406
ATTN: Trish DePriest



FACSIMILE TRANSMISSION FROM:

CONGRESSMAN JACK KINGSTON

1 DIAMOND CAUSEWAY, SUITE 7
SAVANNAH, GA 31406

VOICE# (912) 352-0101

FAX# (912) 352-0105

TO:

Cong. EPA

DATE:

6/12/09

FAX#:

202 501 1519

TOTAL PAGES:

5 w/ con

FROM:

☒

TRISH DEPRIEST

☐

BRUCE BAZEMORE

☐

MYRLENE FREE

☐

PEGGY LEE MOWERS

☐

OTHER _____

Comments: _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 21 2009

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

The Honorable Jack Kingston
U.S. House of Representatives
One Diamond Causeway, #7
Savannah, GA 31406

Dear Congressman Kingston:

Thank you for your letter of June 11, 2009, regarding Hugh Roberts' concerns with the investigation of St. Mary's Railway West, LLC.

We recognize your concern for your constituents and your interest in being responsive to their inquiries about the activities of the Environmental Protection Agency's (EPA's) criminal enforcement program. EPA and the U.S. Department of Justice policy, however, prohibits discussion with individual members of Congress or the public about allegations of criminal conduct that are under review by EPA's criminal enforcement program. The purpose of this policy is to ensure that the rights of affected individuals are adequately protected and to safeguard the integrity of criminal enforcement's operations. Thus, we are precluded from providing information until such information becomes publicly available.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-1859.

Sincerely,

A handwritten signature in black ink, which appears to read "Cynthia Giles".

Cynthia Giles

JACK KINGSTON
1st District, Georgia

WASHINGTON OFFICE
2368 Rayburn House Office Building
Washington, DC 20515
(202) 225-5831
(202) 226-2269 FAX

BRUNSWICK OFFICE
Federal Building, Room 304
805 Gloucester Street
Brunswick, GA 31520
(912) 265-9010
(912) 265-9013 FAX



Congress of the United States
House of Representatives

Committee On Appropriations
Ranking Member, Agriculture Subcommittee
Defense Subcommittee

SAVANNAH OFFICE
One Diamond Causeway, Suite 7
Savannah, GA 31406
(912) 352-0101
(912) 352-0105 FAX

BAXLEY OFFICE
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Baxley, GA 31515
(912) 367-7403
(912) 367-7404 FAX

VALDOSTA OFFICE
Federal Building, Room 218
P.O. Box 5264
Valdosta, GA 31603
(229) 247-9188
(229) 247-9189 FAX

August 9, 2010

Lisa P. Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, DC 20460-3300

Dear Administrator Jackson,

I strongly oppose the EPA's current proposed rule EPA-HQ-RCRA-2008-0329. This rule presents an insurmountable barrier to many in the renewable energy industry.

In Georgia's First District, Appling County Pellets currently manufactures wood pellets to fuel residential pellet stoves as well as boilers across the United States. The company employs 45 people in Appling County and the surrounding areas. Appling County has suffered during the economic downturn and currently has an 11.6 percent unemployment rate. This rule would threaten the viability of Appling County Pellets. The "Alternative Approach" within the proposed rule classifies sawdust as solid waste. While the environmental community argues that any secondary material burned for energy should be classified as solid waste, this characterization is inaccurate. The process by which sawdust is made into wood pellets is a refined method. The sawdust is handled as a valuable and inimitable ingredient for the production of a traditional fuel source. The EPA should recognize the value of sawdust in the production process of wood pellets.

As our nation struggles to recover from the current recession, I am deeply concerned that the potential impact of this pending regulation. I urge the EPA to abandon this rule and others that threaten American jobs.

Sincerely,


Jack Kingston
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 10 2010

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Jack Kingston
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Kingston:

Thank you for your letter of August 9, 2010, to the U.S. Environmental Protection Agency's (EPA), regarding the proposed rule Identification of Non-Hazardous Secondary Materials that are Solid Waste, and specifically regarding the classification of sawdust as a solid waste under the alternative approach. I appreciate your interest in this rulemaking.

Under the alternative approach discussed in the preamble to the proposed rule, clean saw dust, and all clean biomass, is not considered a solid waste when burned as a fuel, even if it is processed into pellets. In fact, the proposed rule classified clean biomass as a traditional fuel. We will ensure that your letter is entered into the rulemaking docket for consideration as the final rule is developed.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Amy Hayden, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-0555.

Sincerely,

A handwritten signature in black ink, which appears to read "Mathy Stanislaus for".

Mathy Stanislaus
Assistant Administrator

12-001-0894



Stephanie Hinton (Hinton Oil) - Inquiry from Congressman Jack Kingston
Walden, Shae

to:

Kathy Mims, 'eades.cassandra@epa.gov'

06/26/2012 11:44 AM

Hide Details

From: "Walden, Shae" <Shae.Walden@mail.house.gov>

To: Kathy Mims/DC/USEPA/US@EPA, "'eades.cassandra@epa.gov'"
<eades.cassandra@epa.gov>

1 Attachment



Stephanie Hinton 06-26-12.PDF

Please see attached privacy release form and supporting documentation from Stephanie Hinton, our constituent from Valdosta, Georgia. Ms. Hinton has asked our office to inquire about the recent difficulties she has experienced with EPA. Any information or assistance you can provide is appreciated.

Thank you,

Shae Walden
Field Representative
Congressman Jack Kingston – GA01
PO Box 5264
Valdosta, Georgia 31603



CONGRESSMAN JACK KINGSTON
CASEWORK AUTHORIZATION FORM

Please complete this form and return to my district office nearest you.



Name: Exp. 6

Address: Exp. 6

City: VALDOSTA State: GA Zip: 31601

Home Phone: _____ Work Phone: Exp. 6

Social Security Number: Exp. 6 Date of Birth: Exp. 6

Agency Involved: EPA

Numbers Identifying Case (VA claim, tax ID, etc.): NDV ~~612222222~~ Inspection # GA 0902-002

Date and Place Claim was filed: VALDOSTA, GA INSPECTION ON 2/26/2009 - Region 4 & 8 EPA Handling

Please describe problem in detail and what assistance you are seeking: Our location was

inspected on 2/26/09. NOTICE OF VIOLATION WAS RECEIVED ON 7/27/11.

ALL DEFICIENCIES WERE FIXED EXCEPT FOR INSTALLATION OF LIQUID

LEVEL SENSING DEVICES DUE TO EXPENSE & THE FACT WE MAY HAVE TO

CLOSE THE FACILITY DUE TO A ^{GA} D.D.T. Project that may no longer

allow us to have access of the facility. We physically met

WITH EPA in ATLANTA ON SEPT 1, 2011. HAVE NOT HEARD ANYTHING

UNTIL TODAY 6/20/2012 SINCE THAT MEETING. I AM A SMALL BUSINESS

OWNER TRYING TO SURVIVE AND KEEP THE FEW EMPLOYEES I HAVE EMPLOYED. THEY NEED

to get off my back - there is no danger to drinking water or anything due to

this.
In accordance with the provisions of the Privacy Act, I hereby authorize Congressman Jack Kingston or a member of his staff to make the appropriate inquiry on my behalf so that they may assist me with my request.

Signature

Exp. 6

6/20/2012
Date (MM/DD/YYYY)

Baxley

Post Office Box 40
Baxley, GA 31515
Phone: (912) 367-7403
Fax: (202) 226-2269

Brunswick

1510 Newcastle Street,
Suite 200
Brunswick, GA 31520
Phone: (912) 265-9010
Fax: (912) 265-9013

Savannah

1 Diamond Causeway,
Suite 7
Savannah, GA 31406
Phone: (912) 352-0101
Fax: (912) 352-0105

Valdosta

Post Office Box 5264
Valdosta, GA 31603
Phone: (229) 247-9188
Fax: (202) 226-2269

ALL DEFICIENCIES HAVE BEEN CORRECTED. THE TICKET IS WORKING &
WE ARE STILL UNCERTAIN WHETHER OR NOT THE LOCATION WILL BE ABLE
TO BE ACCESSED DUE TO CONSTRUCTION OF NEW OVERPASS ON
HWY 84. WHY ARE THEY STILL BOTHERING US? WE HAVE DONE ALL
WE CAN DO AT THIS POINT IN TIME.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUL 27 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stephanie L. Hinton
President
Jim Hinton Oil Company of GA, Inc.
609 West Hill Avenue
Valdosta, GA 31603

SUBJ: Notice of Violation and Opportunity to Show Cause
Section 311 of the Clean Water Act
Jim Hinton Oil Company of GA, Inc.
609 West Hill Avenue, Valdosta, Lowndes County, Georgia
Inspection Number: GA 0902-002

Dear Ms. Hinton:

The purpose of this letter is to advise you that the United States Environmental Protection Agency has determined that Jim Hinton Oil Company of GA, Inc. ("Hinton Oil") violated Section 311(j) of the Clean Water Act (CWA), 33 U.S.C. § 1321(j), and the Spill Prevention, Control and Countermeasures (SPCC) regulations, promulgated in 40 C.F.R. Part 112, as explained more fully below and in the enclosed summary of alleged violations (Enclosure A).

On February 26, 2009, representatives of the EPA conducted an inspection at the Hinton Oil facility located at 609 West Hill Avenue, in Valdosta, Georgia. Information obtained during the inspection indicates that Hinton Oil has violated the CWA and the SPCC regulations. Violations of Section 311(j) of the CWA are subject to enforcement action pursuant to Section 311 of CWA, 33 U.S.C. § 1321, which provides for the issuance of administrative actions to assess penalties and/or the initiation of civil and/or criminal actions.

Hinton Oil may request a meeting with the EPA, by teleconference or at the EPA's Regional Office at the Sam Nunn Atlanta Federal Center located at 61 Forsyth Street SW, Atlanta, Georgia, 30303. If a meeting is desired, Hinton Oil should contact Paula A. Whiting, of my staff, at (404) 562-9277, **within seven (7) calendar days of receipt of this letter** to schedule a meeting date. At the time of the meeting, Hinton Oil will be given the opportunity to show cause why the EPA should not take formal enforcement action against Hinton Oil in connection with these violations, including the assessment of appropriate civil penalties. At this meeting, Hinton Oil will be allowed to present information relevant to the factual basis for the EPA's allegations and the factors that may mitigate penalties.

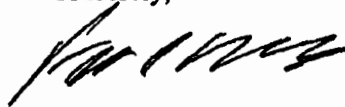
The EPA may consider information provided in the meeting in civil or criminal proceedings related to this matter. The EPA requests that Hinton Oil provide all relevant information with documentation. Such

information may include any financial information that may reflect on the ability of Hinton Oil to pay a penalty.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) provides small businesses with the opportunity to submit comments on regulatory enforcement at the time of an Agency enforcement activity. The enclosed Information Sheet (Enclosure B) provides information on this right, as well as information on compliance assistance that may be available to you. The Small Business Ombudsman may be reached at (800) 368-5888. If you qualify as a small business under SBREFA regulations at 13 C.F.R. § 121.201, this material applies to you.

Hinton Oil may be represented by legal counsel at the meeting or during the telephone conference. Due to the informal nature of the meeting, neither Hinton Oil nor the EPA will be allowed to have the proceedings transcribed by a court reporter. If you have any technical questions, please contact Paula A. Whiting at (404) 562-9277. For legal questions, contact Gregory D. Luetscher, Assistant Regional Counsel, Office of RCRA, OPA and UST Legal Support, at (404) 562-9677.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank S. Ney', is written over a horizontal line.

Frank S. Ney, Acting Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division

Enclosures

ENCLOSURE A

Summary of Violations

Based on the February 26, 2009, SPCC inspection, Hinton Oil failed to prepare a written SPCC Plan (Plan) for the facilities as required by 40 C.F.R. § 112.3(a) in accordance with the guidelines for plan preparation at 40 C.F.R. § 112.7, as follows:

- a. Plan did not include information and procedures that enable a person reporting a discharge to relate oil spill information as required by 40 C.F.R. § 112.7(a)(4); **CORRECTED**
- b. Plan did not discuss facility lighting as required by 40 C.F.R. § 112.7(g)(5); **CORRECTED**
- c. Plan did not discuss the volume of containment systems in tanker truck loading/unloading rack areas as required by 40 C.F.R. § 112.7(h)(1); **CORRECTED**
- d. Plan did not discuss procedures for the drainage of uncontaminated rainwater from diked areas as required by 40 C.F.R. § 112.8(c)(3)(i to iv); **CORRECTED**
- e. Plan did not discuss liquid level sensing devices for aboveground containers as required by 40 C.F.R. § 112.7(c)(8); **NOT FINANCIALLY FEASIBLE AT THIS TIME GA DOT. MA FORCE LOCATION CLOSURE**
- f. Plan did not discuss the correction of visible discharges from tanks, seams, gaskets, valves, piping, etc., nor that accumulations of oil in diked areas are promptly removed as required by 40 C.F.R. § 112.7 and/or § 112.7. **CORRECTED**

Based on the February 26, 2009, SPCC inspection, Hinton Oil failed to implement an SPCC plan as required by 40 C.F.R. § 112.3(a) in accordance with the guidelines for plan implementation at 40 C.F.R. § 112.7 and/or § 112.8, as follows:

- a. The truck loading rack areas did not have adequate containment as required by 40 C.F.R. § 112.7(h)(1). Containment systems in truck loading/unloading rack areas must be designed to contain the capacity of the largest compartment of any tanker truck loaded/unloaded at the facility. Such systems must be free of rainwater to meet the loading rack containment requirements; **CORRECTED**
- b. The bulk storage containers did not have adequate secondary containment as required by 40 C.F.R. § 112.8(c)(2). Secondary containment for bulk storage containers must contain the capacity of the largest container, include sufficient freeboard for precipitation, and be sufficiently impervious to contain discharged oil. The inspector observed cracks in dike walls and missing wall sections; **CORRECTED**
- c. Drainage of rainwater from diked areas was not inspected and records of these events were not maintained as required by 40 C.F.R. § 112.8(c)(3)(ii & iv) and § 112.7(e); **CORRECTED**
- d. Outside containers were not frequently inspected for the signs of deterioration, discharge or accumulations of oil in diked areas as required by 40 C.F.R. § 112.8(c)(6);

CORRECTED

- e. Records of tank inspections and integrity tests were not maintained as required by 40 C.F.R. § 112.8(c)(6) and § 112.7(e); *CORRECTED*
- f. Liquid level sensing devices were not provided for all containers as required by 40 C.F.R. § 112.8(c)(8); *NOT FEASIBLE DUE TO GA DOT PROJECT*
- g. Visible discharges which result in the loss of the oil from tank, seams, gaskets, piping, pumps, valves, etc., were not promptly corrected and accumulations of oil in diked areas were not promptly removed as required by 40 C.F.R. § 112.8(c)(10); *CORRECTED*
- h. Aboveground valves and piping were not inspected as required by 40 C.F.R. § 112.8(d)(4) and § 112.7(e); *CORRECTED*
- i. Vehicles' operators were not warned to prevent damage to aboveground piping and other oil transfer operations as required by 40 C.F.R. § 112.8(d)(5). *CORRECTED*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUL 31 2012

The Honorable Jack Kingston
Member, U.S. House of Representatives
P.O. Box 5264
Valdosta, Georgia 31603

Dear Congressman Kingston:

Thank you for your June 26, 2012, email pertaining to a pending enforcement matter between the U.S. Environmental Protection Agency Region 4 and Jim Hinton Oil Co., Inc. (Hinton Oil). An attachment to your email included a Casework Authorization Form from your constituent, Ms. Stephanie Hinton, in which Ms. Hinton described several concerns related to an ongoing matter involving the EPA and Hinton Oil. Your email and its attachment were sent to my office for a response.

It is the EPA's general practice not to comment specifically regarding ongoing enforcement actions and settlement discussions during the pendency of such actions. However, we can state that the EPA has alleged violations stemming from an EPA inspection of a Hinton Oil bulk oil facility in Valdosta, Georgia (the facility). The inspection was undertaken to evaluate the facility's compliance with Spill Prevention Control and Countermeasure (SPCC) standards and requirements that are set out under Title 40 of the Code of Federal Regulations, the Clean Water Act and the Oil Pollution Act of 1990. The design and implementation of a bulk oil facility's SPCC plan is typically focused principally on the prevention and containment of foreseeable oil spills, with the goal of reducing the risk of harm that such a spill might pose to navigable waters of the United States.

The EPA conducted an inspection of the Hinton Oil facility that revealed several deficiencies in the facility's written SPCC plan as well as the facility's physical configuration. On July 27, 2011, the EPA issued Hinton Oil a Notice of Violation (NOV) outlining various SPCC violations. Since issuance of the NOV, the EPA and Hinton Oil have undertaken settlement discussions designed to bring the facility to full compliance and to settle the penalties associated with the SPCC violations. It should be noted that, while the EPA always contemplates a facility's full environmental compliance within the context of any settlement, the EPA will, however, take into account a company's financial ability to pay an appropriate penalty amount when that issue is brought to the EPA's attention.

We appreciate the interest and understand the concerns of your constituent, Ms. Stephanie Hinton, and the EPA welcomes the opportunity to inform you of our involvement in this matter. If you have any further questions or need additional information from the EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

A handwritten signature in cursive script, reading "Gwendolyn Keyes Fleming".

Gwendolyn Keyes Fleming
Regional Administrator

11-000-4972

Congress of the United States
Washington, DC 20515

March 29, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Dear Administrator Jackson:

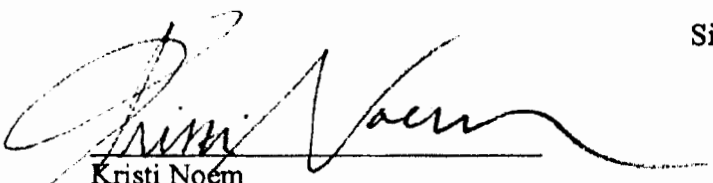
We write today to express our concerns about the U.S. Environmental Protection Agency's (EPA) potential revision to the National Ambient Air Quality Standards (NAAQS) for Coarse Particulate Matter (PM₁₀), more commonly known as dust. Making the PM₁₀ standard more stringent would have a devastating impact on farmers, ranchers, and all of rural America. This could cost farmers and businesses millions of dollars in compliance costs, greatly slowing economic development in rural communities where job creation is desperately needed.

For many areas of the country, especially in rural America, dust occurs naturally and is a simple fact of life. There are many activities essential to farming such as plowing, planting, and harvesting which involve dust. Even driving down an unpaved road raises dust. These regulations could decrease the ability of the agriculture community in the United States to meet the world's food needs as well as decrease productivity, increase food prices, and incur job losses in rural America.

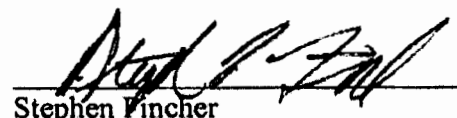
The potential revision of the NAAQS to a level of 65-85 $\mu\text{g}/\text{m}^3$ is below naturally occurring levels of dust in some states, making it impossible to meet. By EPA's own admission, the number of counties in nonattainment would more than double. Not surprisingly, these areas are primarily located in rural, dry parts of the country. At a time when the focus of the Administration should be on economic development and job creation, the EPA is instead promulgating rules which may have the opposite effect. If implemented, the proposed standards could subject farmers, livestock producers, and industry to burdensome regulations which could result in fines amounting to \$37,500 a day for violations. Even EPA's 2nd Draft Policy Assessment acknowledges that uncertainties in scientific studies would allow the EPA to retain the current standard.

There are no better stewards of the land than America's agriculture community. Given the difficulty and expensive process of mitigating dust in most settings, the revised standards could have a devastating impact on rural economies and greatly reduce our nation's food security. If, as the agency has determined, rural fugitive dust has been found to be of less public health concern than dust in urban areas, there is no reason to adopt the revised standard. We strongly encourage the EPA not to implement the more stringent proposed standards.

Sincerely,



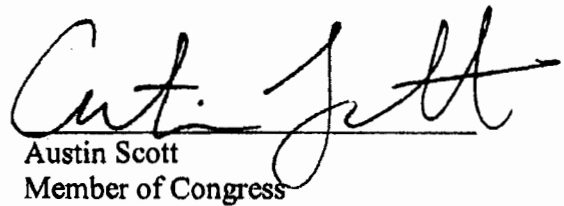
Kristi Noem
Member of Congress



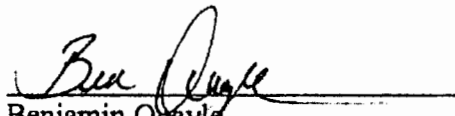
Stephen Fincher
Member of Congress



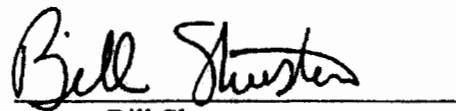
Adam Kinzinger
Member of Congress



Austin Scott
Member of Congress



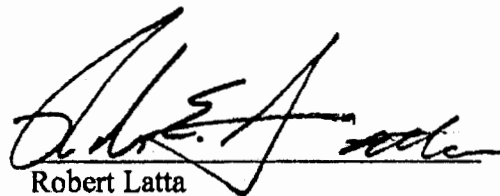
Benjamin Quayle
Member of Congress



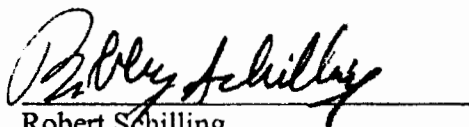
Bill Shuster
Member of Congress



Bob Goodlatte
Member of Congress



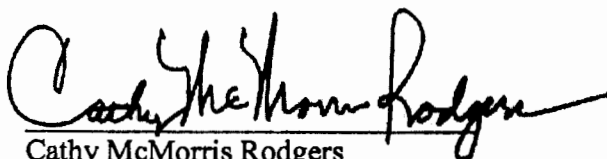
Robert Latta
Member of Congress



Robert Schilling
Member of Congress



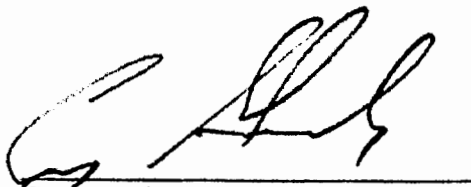
Brett Guthrie
Member of Congress



Cathy McMorris Rodgers
Member of Congress

 TN-3

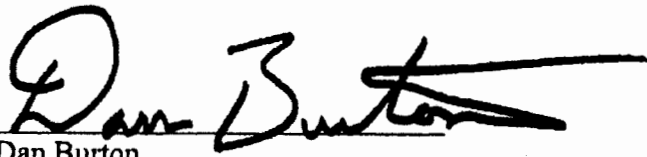
Charles "Chuck" Fleischmann
Member of Congress



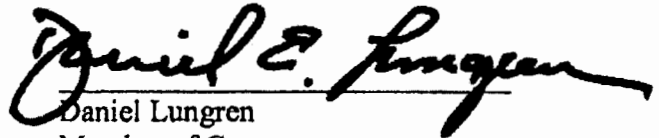
Cory Gardner
Member of Congress



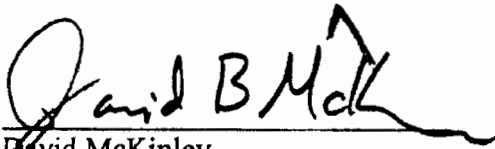
Dan Benishek
Member of Congress



Dan Burton
Member of Congress



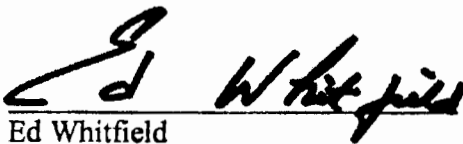
Daniel Lungren
Member of Congress



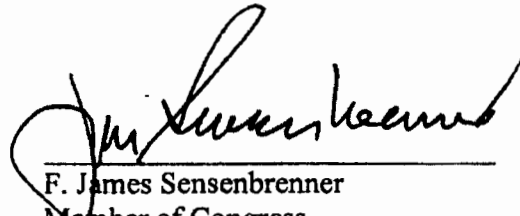
David McKinley
Member of Congress



Diane Black
Member of Congress



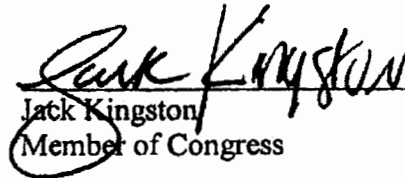
Ed Whitfield
Member of Congress



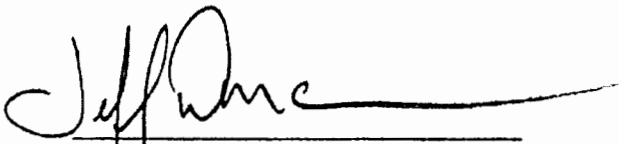
F. James Sensenbrenner
Member of Congress



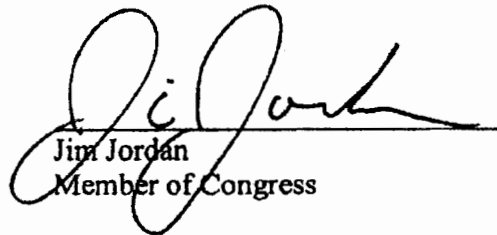
Glenn 'GT' Thompson
Member of Congress



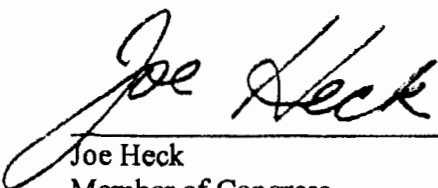
Jack Kingston
Member of Congress



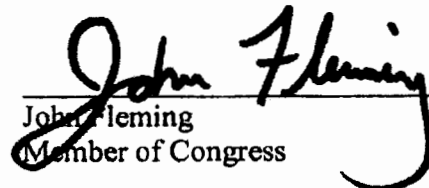
Jeff Duncan
Member of Congress



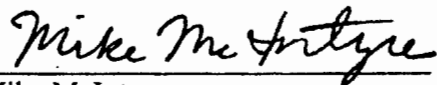
Jim Jordan
Member of Congress



Joe Heck
Member of Congress



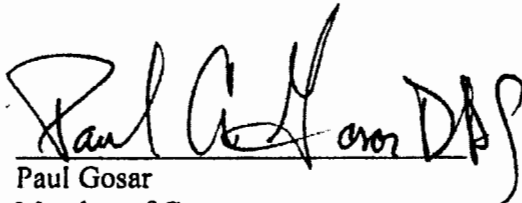
John Fleming
Member of Congress



Mike McIntyre
Member of Congress



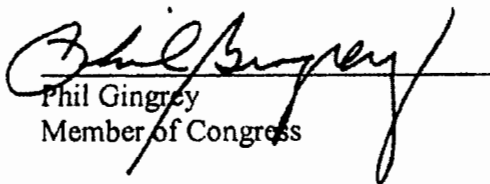
Mick Mulvaney
Member of Congress



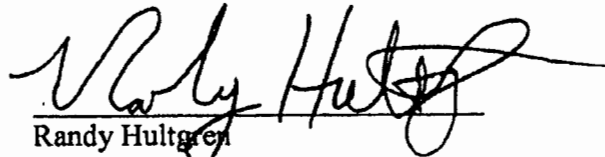
Paul Gosar
Member of Congress



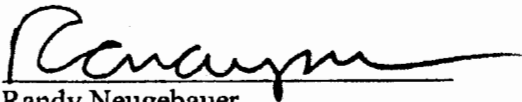
Pete Olson
Member of Congress



Phil Gingrey
Member of Congress



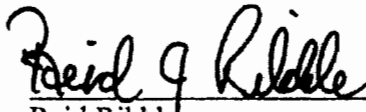
Randy Hultgren
Member of Congress



Randy Neugebauer
Member of Congress



Chip Cravaack
Member of Congress



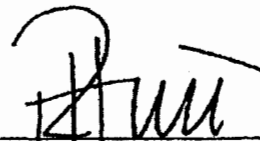
Reid Ribble
Member of Congress



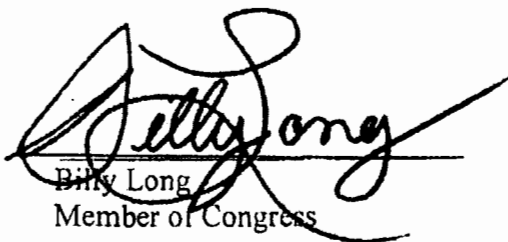
Rick Crawford
Member of Congress



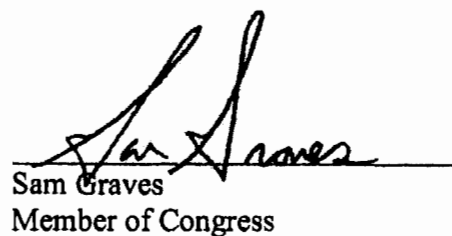
Rob Bishop
Member of Congress



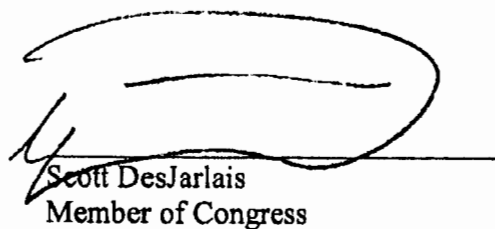
Robert Hurt
Member of Congress



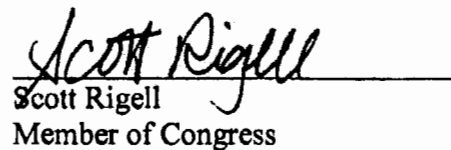
Billy Long
Member of Congress



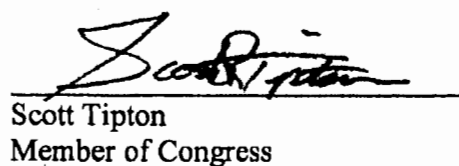
Sam Graves
Member of Congress



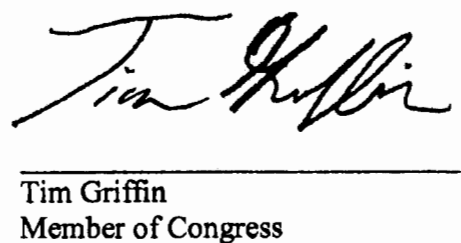
Scott DesJarlais
Member of Congress



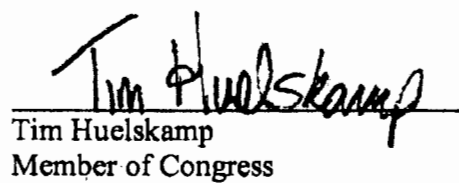
Scott Rigell
Member of Congress



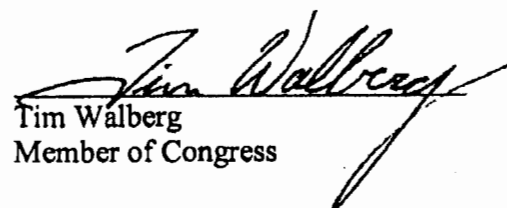
Scott Tipton
Member of Congress



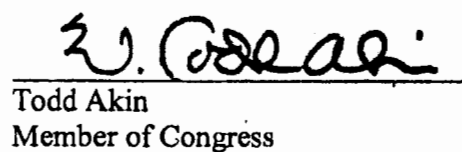
Tim Griffin
Member of Congress



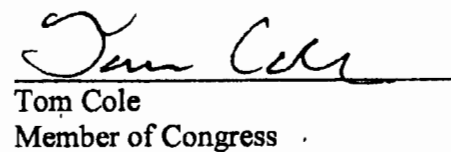
Tim Huelskamp
Member of Congress



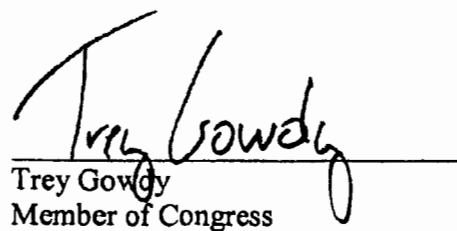
Tim Walberg
Member of Congress



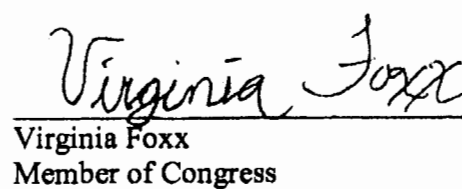
Todd Akin
Member of Congress



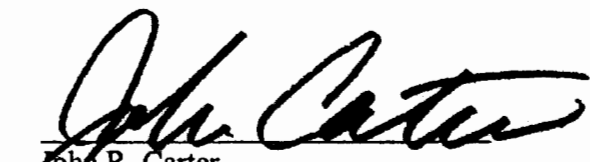
Tom Cole
Member of Congress

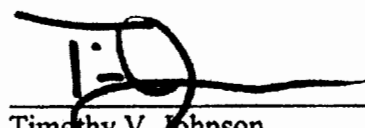



Trey Gowdy
Member of Congress

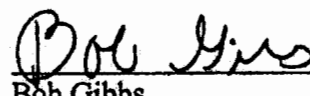



Virginia Foxx
Member of Congress



John R. Carter
Member of Congress



Timothy V. Johnson
Member of Congress



Michael Conaway
Member of Congress

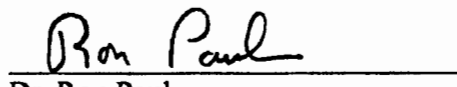

Bob Gibbs
Member of Congress

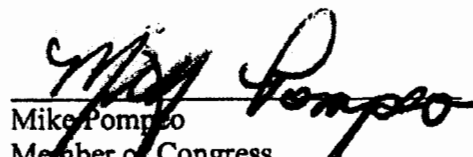

Jeff Derham
Member of Congress

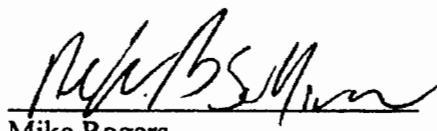

Bill Flores
Member of Congress

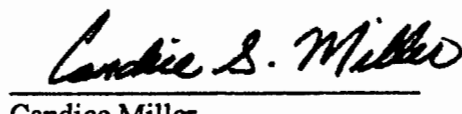

Jeffrey Landry
Member of Congress


Jeff Fortenberry
Member of Congress


Dr. Ron Paul
Member of Congress

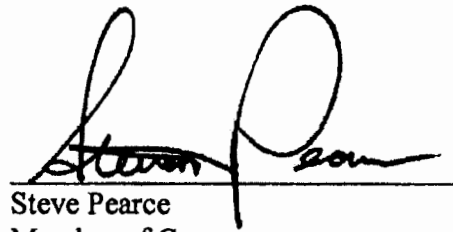

Mike Pompeo
Member of Congress


Mike Rogers
Member of Congress


Candice Miller
Member of Congress



Walter B. Jones
Member of Congress



Steve Pearce
Member of Congress



Chris Gibson
Member of Congress



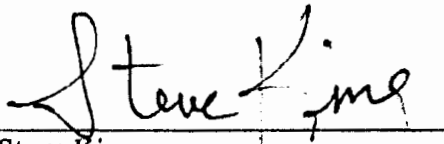
Rick Berg
Member of Congress



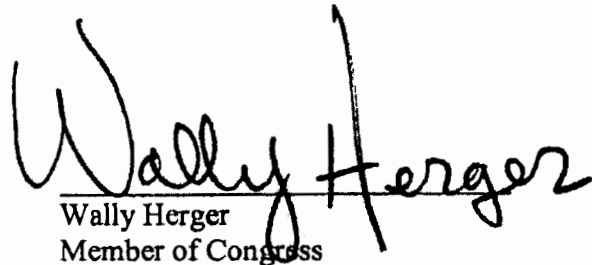
Tom McClintock
Member of Congress



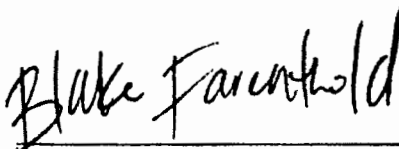
Marlin Stutzman
Member of Congress



Steve King
Member of Congress



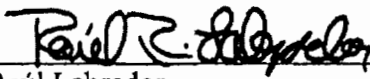
Wally Herger
Member of Congress



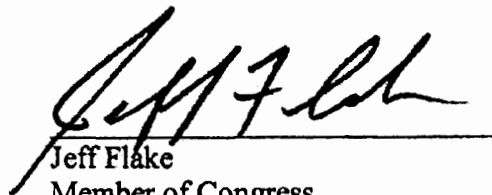
Blake Farenthold
Member of Congress



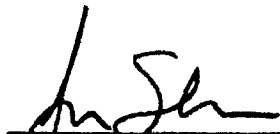
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Member of Congress




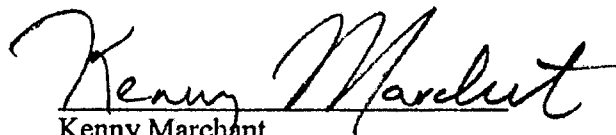
Raúl Labrador
Member of Congress





Jeff Flake
Member of Congress



John Shimkus
Member of Congress



K. Michael Conaway
Member of Congress



Kenny Marchant
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Kevin Brady
Member of Congress


Kevin Yoder
Member of Congress

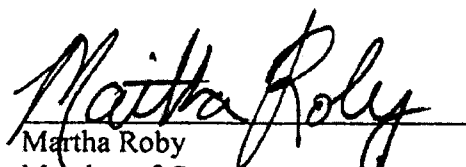

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Member of Congress


Larry Kissel
Member of Congress

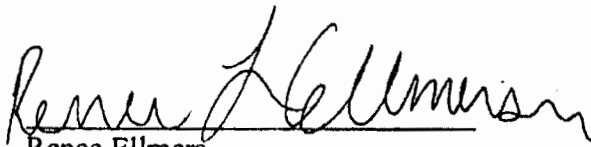

Louie Gohmert
Member of Congress


Lynn Jenkins
Member of Congress

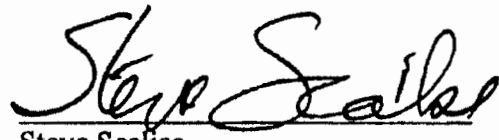

Mac Thornberry
Member of Congress


Martha Roby
Member of Congress


Mike Coffman
Member of Congress



Renee Ellmers
Member of Congress



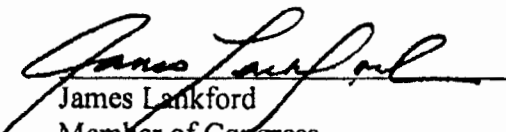
Steve Scalise
Member of Congress



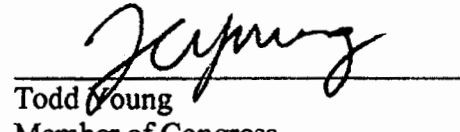
Francisco "Quico" Canseco
Member of Congress



Spencer Bachus
Member of Congress



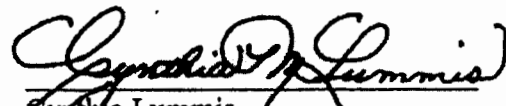
James Lankford
Member of Congress



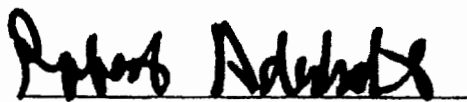
Todd Young
Member of Congress



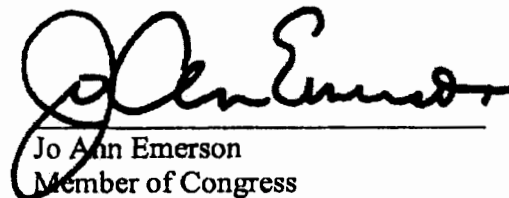
Ted Poe
Member of Congress



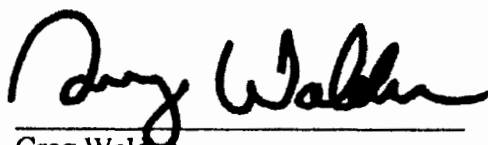
Cynthia Lummis
Member of Congress



Robert Aderholt
Member of Congress



Jo Ann Emerson
Member of Congress



Greg Walden
Member of Congress

David P. Roe

David P. Roe
Member of Congress

Vicky Hartzler

Vicky Hartzler
Member of Congress

Tom Reed NY 29

Tom Reed
Member of Congress

Steven M. Palazzo

Steven M. Palazzo
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 10 2011

OFFICE OF
AIR AND RADIATION

The Honorable Jack Kingston
U.S. House of Representatives
Washington D.C. 20515

Dear Congressman Kingston:

Thank you for your letter of March 29, 2011, co-signed by 100 of your colleagues, expressing your concerns over the ongoing review of the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). The Administrator asked that I respond to your letter.

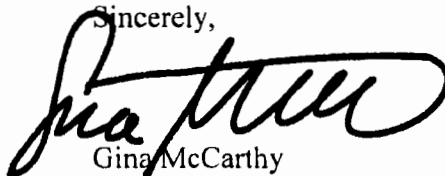
I appreciate the importance of NAAQS decisions to state and local governments, in particular to areas with agricultural communities, and I respect your perspectives and opinions. I also recognize the work that states have undertaken to improve air quality across the country. The NAAQS are set to protect public health from outdoor air pollution, and are not focused on any specific category of sources or any particular activity (including activities related to agriculture or rural roads). The NAAQS are based on consideration of the scientific evidence and technical information regarding health and welfare effects of the pollutants for which they are set.

No final decisions have been made on revising the PM NAAQS. In fact, we have not yet released a formal proposal. Currently, we continue to develop options, including the option of retaining the current 24-hour coarse PM standard. To facilitate a better understanding of the potential impacts of PM NAAQS standards on agricultural and rural communities, the U.S. Environmental Protection Agency recently held six roundtable discussions around the country. This is all part of the open and transparent rulemaking process that provides Americans with many opportunities to offer their comments and thoughts. Your comments will be fully considered as we proceed with our deliberations.

Under the Clean Air Act, decisions regarding the NAAQS must be based solely on an evaluation of the scientific evidence as it pertains to health and environmental effects. Thus, the agency is prohibited from considering costs in setting the NAAQS. But cost can be – and is – considered in developing the control strategies to meet the standards (i.e., during the implementation phase). Furthermore, I want to assure you that the EPA does appreciate the importance of the decisions on the PM NAAQS to agricultural communities. We remain committed to common sense approaches to improving air quality across the country without placing undue burden on agricultural and rural communities.

Again, the Administrator and I thank you for your letter. If you have further questions, please contact me or your staff may contact Cheryl Mackay in the Office of Congressional and Intergovernmental Relations at (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", with a large, stylized flourish at the end.

Gina McCarthy
Assistant Administrator

12-001-2897

Congress of the United States
House of Representatives

Washington, DC 20515

August 1, 2012

Administrator Lisa P. Jackson
U.S. Environmental Protection Agency
Room 300, Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Jackson:

As serious drought conditions continue moving across nearly two-thirds of the country, we are at a critical juncture where federal policy meets real world realities. Because of these extreme weather conditions, corn prices are spiking and some analysts are predicting that the U.S. may experience a corn shortage this summer. Relief from the Renewable Fuels Standard (RFS) is extremely urgent because another short corn crop would be devastating to the animal agriculture industry, food manufacturers, foodservice providers, as well as to consumers. We urge you to adjust the RFS mandate for 2012 to account for the anticipated severe shortage in corn.

When Congress enacted the expanded RFS in the Energy Independence and Security Act of 2007 (EISA), the structure was complex. Given the 15 year statutory schedule imposed by the law -- including the specification of four different fuel mandates, each with a separate schedule -- Congress also wanted to ensure that certain "safety valves" for the RFS would be available. Thus, EISA retained and expanded Clean Air Act (CAA) section 211(o) (7). Among other provisions, CAA section 211(o)(7) allows the Administrator of the EPA to reduce the required volume of renewable fuel in any year based on severe harm to the economy or environment of a state, a region or the United States, or in the event of inadequate domestic supply of renewable fuel.

The waiver provisions in CAA section 211(o) (7) are an important part of Congress' intended implementation of the RFS. They help ensure that the domestic economy and environment are protected as we ramp up production and use of renewable fuels and move to broader use of advanced biofuels. Clearly, the Congress in 2007 anticipated that unforeseen circumstances would require the Environmental Protection Agency (EPA) to exercise flexibility with the RFS. We believe that the current weather situation in the United States calls for exactly the kind of flexibility that was envisioned.

One of the nation's worst droughts in fifty years has hit the Midwest especially hard at a very sensitive time for the U.S. grain crops. Earlier this month, the United States Department of Agriculture in its monthly World Agriculture Supply & Demand Estimates (WASDE), announced the largest decline in month-to-month potential yield for corn in its history.

Currently, only about 31 percent of the corn crop is in "good" or "excellent" condition, representing record lows. While improved weather over the coming weeks may increase yields, much of the damage has already been done. There is not time to replant or find new corn stocks, making it necessary for the government to manage this severe situation.

As a result of these deteriorating conditions, corn prices have risen dramatically over the past few weeks and are likely to remain at record highs. This means literally billions of dollars in increased costs for livestock and poultry producers, and food manufacturers. These dramatic increases put food processing jobs at risk and could cost many family farmers their livelihoods. It is also worth noting that high corn prices have forced some ethanol producers to idle or shutter their plants, costing jobs. Although consumers may not feel the impacts of these increased costs right away, the inevitable result will be more expensive food for Americans and consumers around the world.

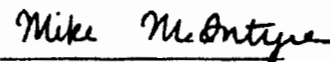
As you are aware, U.S. corn prices have consistently risen, and the corn market has been increasingly volatile, since the expansion of the RFS in 2007. This reflects the reality that approximately 40 percent of the corn crop now goes into ethanol production, a dramatic rise since the first ethanol mandates were put into place in 2005. Ethanol now consumes more corn than animal agriculture, a fact directly attributable to the federal mandate. While the government cannot control the weather, it fortunately has one tool still available that can directly impact corn demand. By adjusting the normally rigid Renewable Fuel Standard mandate down to align with current market conditions, the federal government can help avoid a dangerous economic situation because of the prolonged record high cost of corn.

We therefore urge the EPA to consider a fair and meaningful nationwide adjustment to the Renewable Fuels Standard. Prompt action by the EPA can help to ease short supply concerns, literally save jobs across many U.S. industries, and keep families fed. We strongly urge you to exercise your authority and take the necessary steps to protect American consumers and the economy. Thank you for your immediate consideration of this request.

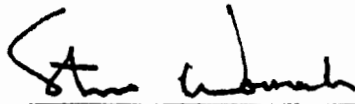
Sincerely,




Bob Goodlatte
Member of Congress



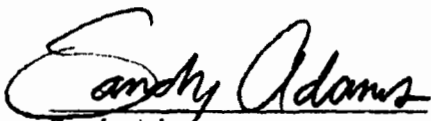
Mike McIntyre
Member of Congress

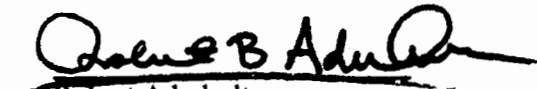


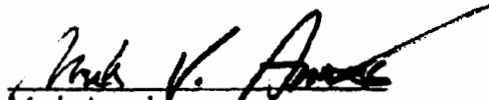
Steve Womack
Member of Congress



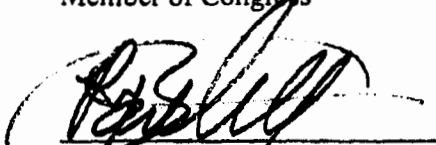
Jim Matheson
Member of Congress

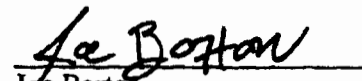

Sandy Adams
Member of Congress

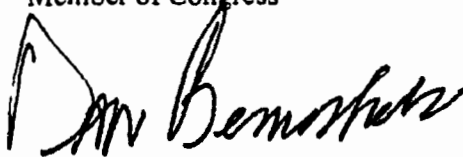

Robert Aderholt
Member of Congress

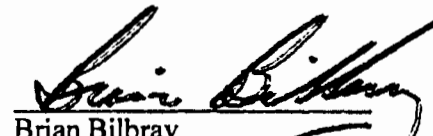

Mark Amodei
Member of Congress



John Barrow
Member of Congress

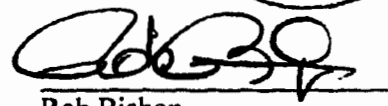

Roscoe Bartlett
Member of Congress

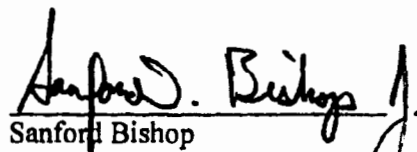

Joe Barton
Member of Congress



Dan Benishek
Member of Congress



Brian Bilbray
Member of Congress

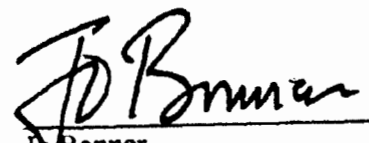

Gus Bilirakis
Member of Congress

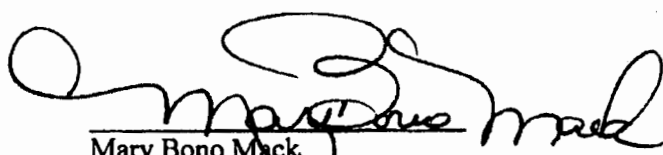

Rob Bishop
Member of Congress


Sanford Bishop
Member of Congress


Diane Black
Member of Congress


Marsha Blackburn
Member of Congress

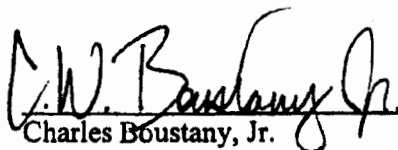

Jo Bonner
Member of Congress



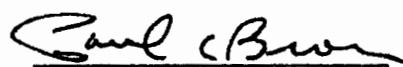
Mary Bono Mack
Member of Congress



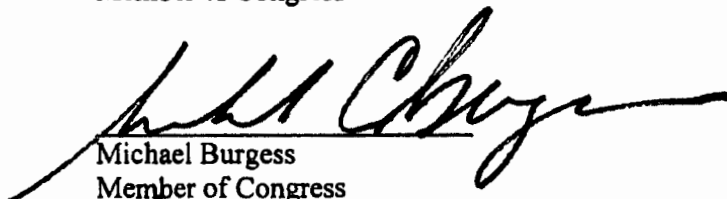
Dan Boren
Member of Congress



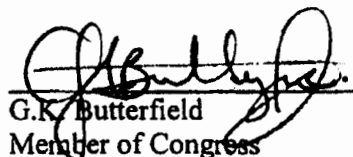
Charles Boustany, Jr.
Member of Congress



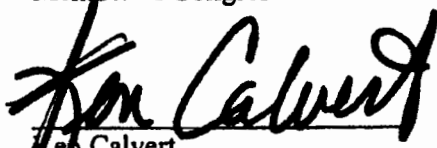
Paul Broun
Member of Congress



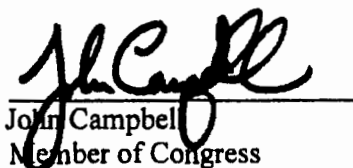
Michael Burgess
Member of Congress



G.K. Butterfield
Member of Congress



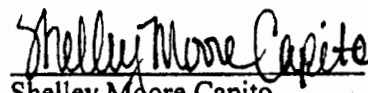
Ken Calvert
Member of Congress



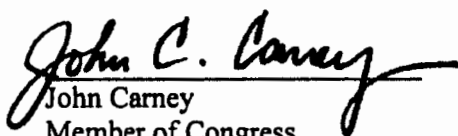
John Campbell
Member of Congress



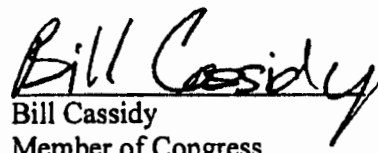
Francisco Canseco
Member of Congress



Shelley Moore Capito
Member of Congress



John Carney
Member of Congress



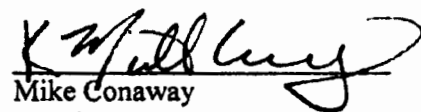
Bill Cassidy
Member of Congress



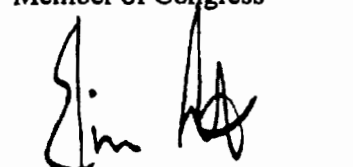
Jason Chaffetz
Member of Congress



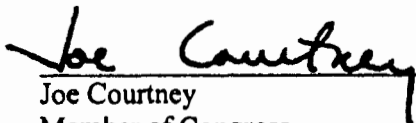
Tom Cole
Member of Congress




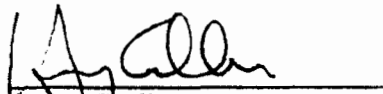
Mike Conaway
Member of Congress

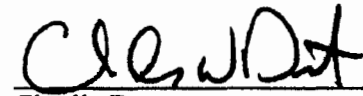



Jim Costa
Member of Congress


Joe Courtney
Member of Congress

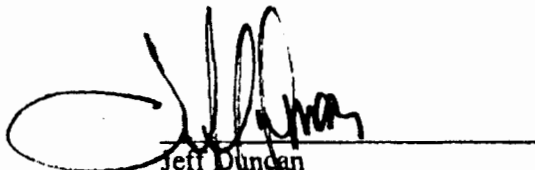

Rick Crawford
Member of Congress

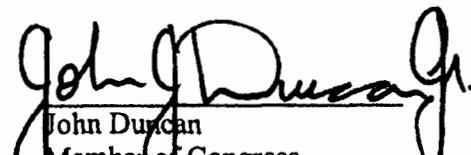

Henry Cuellar
Member of Congress



Charlie Dent
Member of Congress

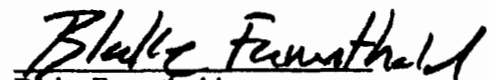

Peter Defazio
Member of Congress

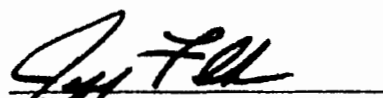

Mario Diaz-Balart
Member of Congress

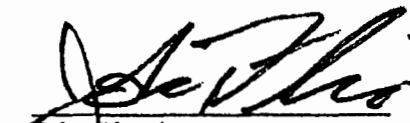

Jeff Duncan
Member of Congress

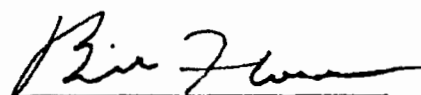

John Duncan
Member of Congress

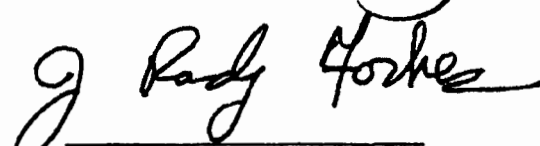

Renee Ellmers
Member of Congress

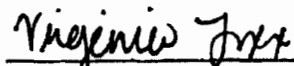

Blake Farenthold
Member of Congress


Jeff Flake
Member of Congress


John Fleming
Member of Congress


Bill Flores
Member of Congress


Randy Forbes
Member of Congress



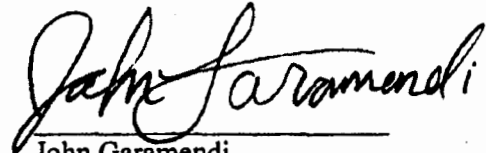
Virginia Foxx
Member of Congress



Trent Franks
Member of Congress



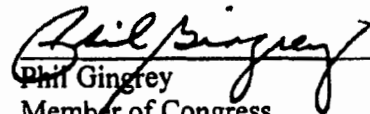
Elton Gallegly
Member of Congress



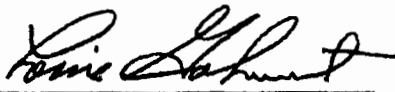
John Garamendi
Member of Congress



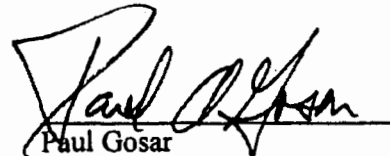
Chris Gibson
Member of Congress



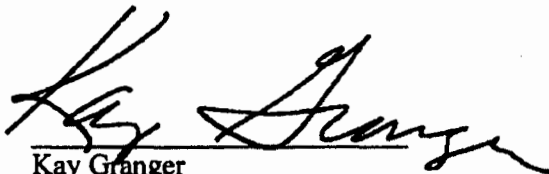
Phil Gingrey
Member of Congress



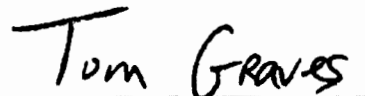
Louie Gohmert
Member of Congress



Paul Gosar
Member of Congress



Kay Granger
Member of Congress



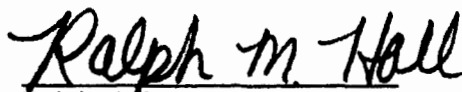
Tom Graves
Member of Congress



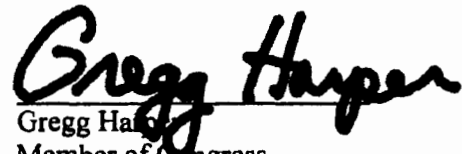
Tim Griffin
Member of Congress




H. Morgan Griffith
Member of Congress



Ralph Hall
Member of Congress



Gregg Harper
Member of Congress



Andy Harris
Member of Congress



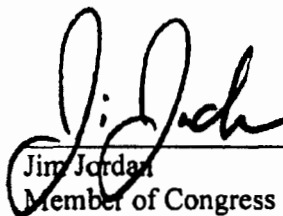
Tim Holden
Member of Congress



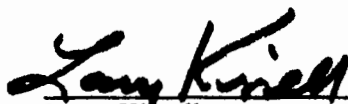
Darrell Issa
Member of Congress



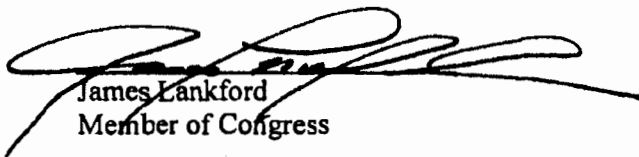
Sam Johnson
Member of Congress



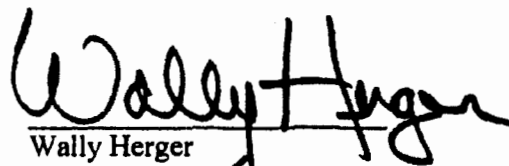
Jim Jordan
Member of Congress



Larry Kissell
Member of Congress



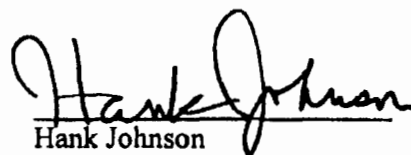
James Lankford
Member of Congress



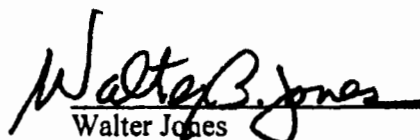
Wally Herger
Member of Congress



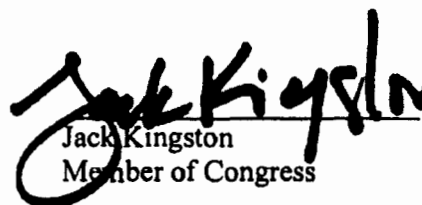
Rob Hurt
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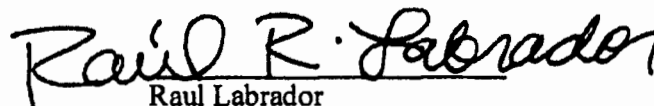
Hank Johnson
Member of Congress



Walter Jones
Member of Congress



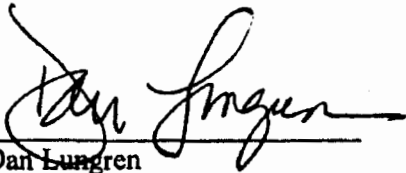
Jack Kingston
Member of Congress



Raul Labrador
Member of Congress



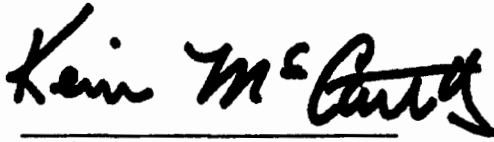
Billy Long
Member of Congress



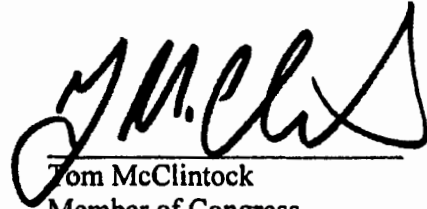
Dan Lungren
Member of Congress



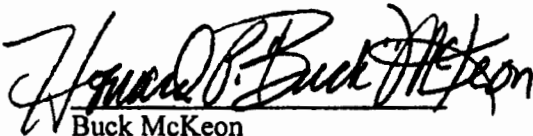
Tom Marino
Member of Congress



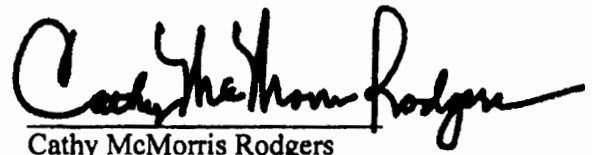
Kevin McCarthy
Member of Congress



Tom McClintock
Member of Congress



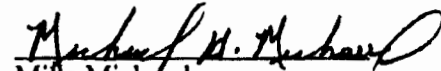
Buck McKeon
Member of Congress



Cathy McMorris Rodgers
Member of Congress



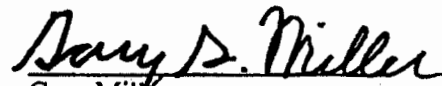
Pat Meehan
Member of Congress



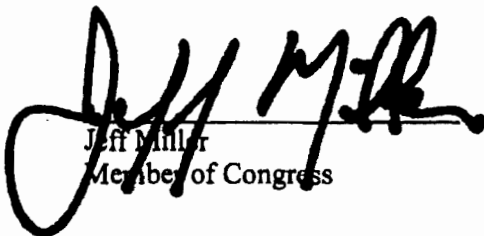
Mike Michaud
Member of Congress



Brad Miller
Member of Congress



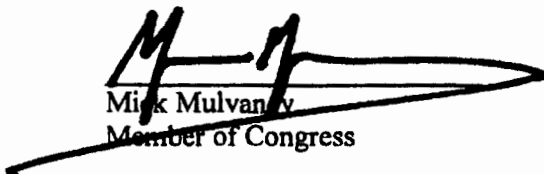
Gary Miller
Member of Congress



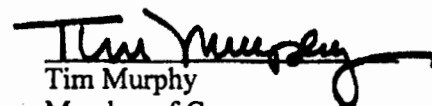
Jeff Miller
Member of Congress



Jim Moran
Member of Congress



Mick Mulvaney
Member of Congress



Tim Murphy
Member of Congress



Sue Myrick
Member of Congress



Randy Neugebauer
Member of Congress



Devin Nunes
Member of Congress



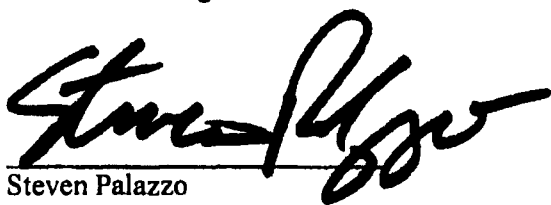
Alan Nunnelee
Member of Congress



Pete Olson
Member of Congress



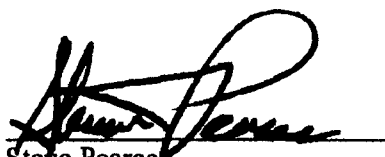
Bill Owens
Member of Congress



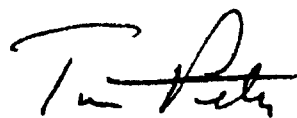
Steven Palazzo
Member of Congress



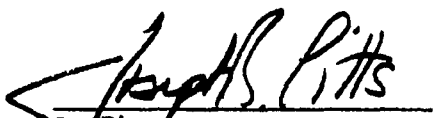
Ron Paul
Member of Congress



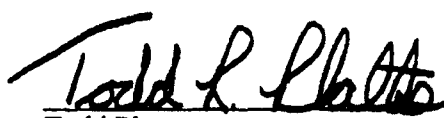
Steve Pearce
Member of Congress



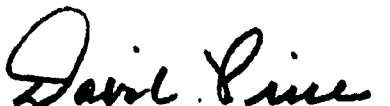
Tom Petri
Member of Congress



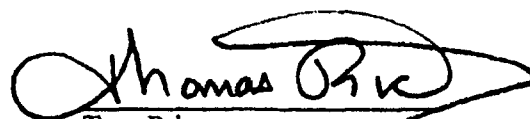
Joe Pitts
Member of Congress




Todd Platts
Member of Congress

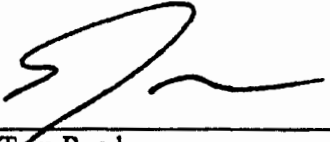


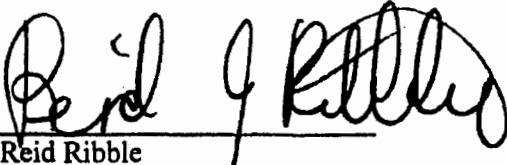
David Price
Member of Congress



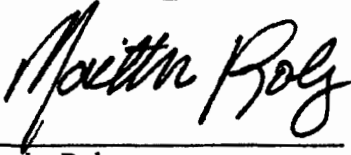
Tom Price
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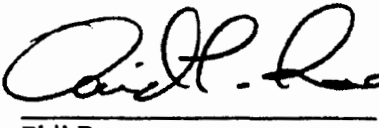

Ted Poe
Member of Congress

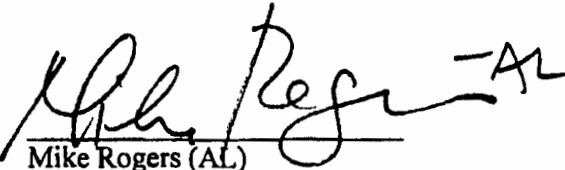

Tom Reed
Member of Congress

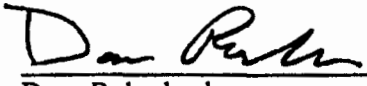

Reid Ribble
Member of Congress



Scott Rigell
Member of Congress

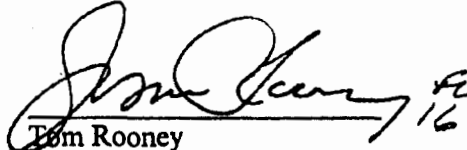

Martha Roby
Member of Congress


Phil Roe
Member of Congress

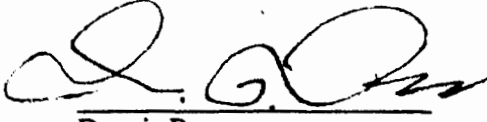

Mike Rogers (AL)
Member of Congress



Dana Rohrabacher
Member of Congress



Todd Rokita
Member of Congress

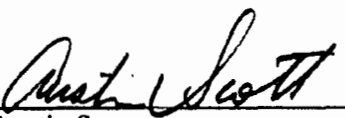

Tom Rooney
Member of Congress

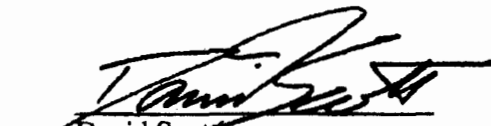

Peter Roskam
Member of Congress

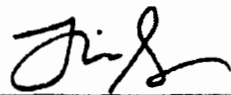

Dennis Ross
Member of Congress



Mike Ross
Member of Congress

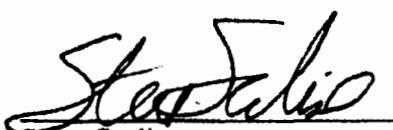

Ed Royce
Member of Congress

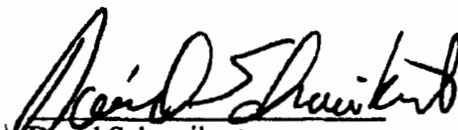

Austin Scott
Member of Congress

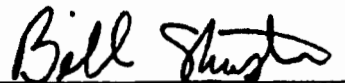

David Scott
Member of Congress

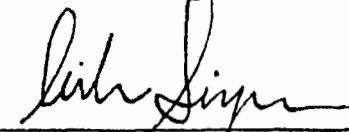

Tim Scott
Member of Congress

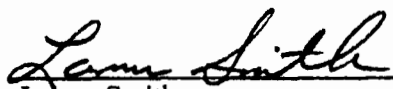

James Sensenbrenner
Member of Congress

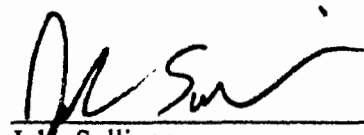

Steve Scalise
Member of Congress

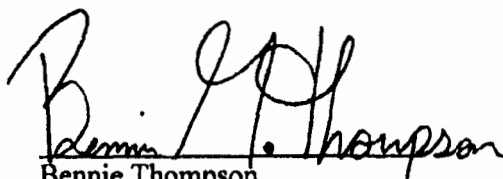

David Schweikert
Member of Congress

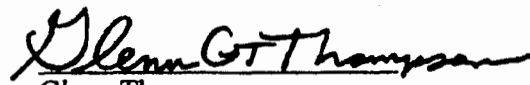

Bill Shuster
Member of Congress

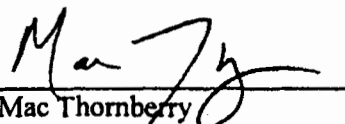

Mike Simpson
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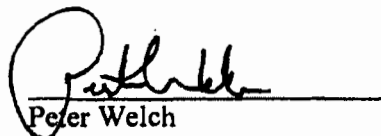

Lamar Smith
Member of Congress

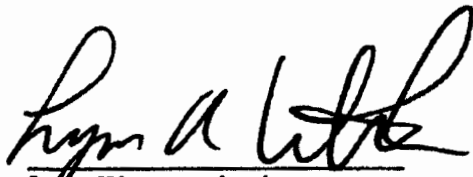

John Sullivan
Member of Congress

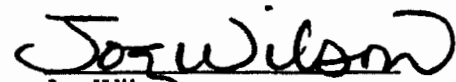

Bennie Thompson
Member of Congress


Glenn Thompson
Member of Congress

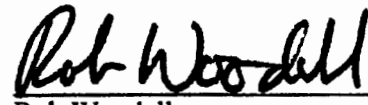

Mac Thornberry
Member of Congress

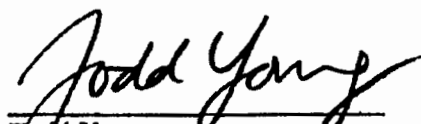

Peter Welch
Member of Congress

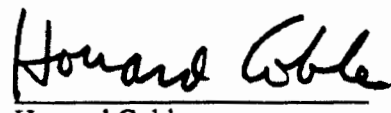

Lynn Westmoreland
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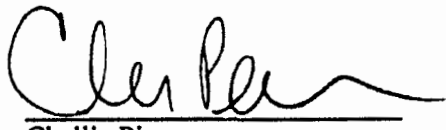

Joe Wilson
Member of Congress

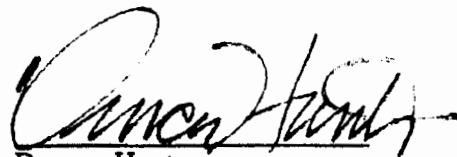

Robert Wittman
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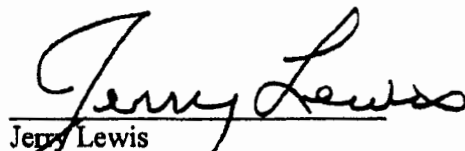

Rob Woodall
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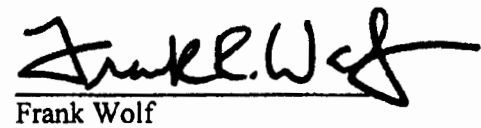

Todd Young
Member of Congress

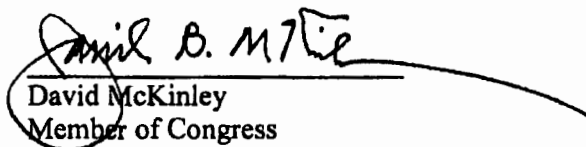

Howard Coble
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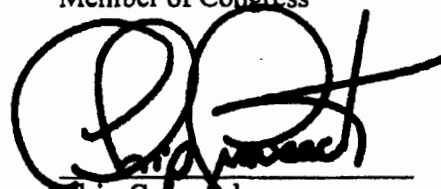

Chellie Pingree
Member of Congress


Duncan Hunter
Member of Congress


Jerry Lewis
Member of Congress


Frank Wolf
Member of Congress


David McKinley
Member of Congress


Chip Cravaack
Member of Congress

X McHENRY (N-10)

 TN-4

Ch. 1. F. H. TN-3

~~Ze. B. TX-08~~

Loretta Sanchez

John R. Carter

Marcia Z. Judge

Betty Scott

Mo Brooks

W. M. M. L.

Frank A. Lombardo

Joe B. B.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 31 2013

OFFICE OF
AIR AND RADIATION

The Honorable Jack Kingston
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Kingston:

Thank you for your letter dated August 1, 2012, co-signed by 152 of your colleagues to U.S. Environmental Protection Agency Administrator Lisa P. Jackson, regarding a waiver of volume requirements under the Renewable Fuels Standard (RFS) program. The Administrator asked me to respond on her behalf.

Governors from several states and a number of organizations cited the drought conditions affecting much of the country in their request for a waiver of the national volume requirements for the RFS pursuant to the Clean Air Act. After extensive analysis, review of thousands of comments, and consultation with the Department of Agriculture (USDA) and the Department of Energy (DOE), the EPA denied the requests for a waiver in a decision published in the *Federal Register* on November 27, 2012.

The EPA recognizes that last year's drought has created significant hardships in many sectors of the economy, particularly for livestock producers. However, the agency's extensive analysis makes clear that Congressional requirements for a waiver have not been met and that waiving the RFS would have little, if any, impact on ethanol demand or energy prices over the time period analyzed.

The *Federal Register* notice contains a detailed description of the analysis the EPA conducted in conjunction with DOE and USDA, along with a discussion of relevant comments we received through our public comment process.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

A handwritten signature in black ink, which appears to read "Gina McCarthy", is positioned above the typed name.

Gina McCarthy
Assistant Administrator

10-001-5317

JACK KINGSTON
1st District, Georgia

WASHINGTON OFFICE
2368 Rayburn House Office Building
Washington, DC 20515
(202) 225-5831
(202) 226-2269 FAX

BRUNSWICK OFFICE
Federal Building, Room 304
805 Gloucester Street
Brunswick, GA 31520
(912) 265-9010
(912) 265-9013 FAX



Congress of the United States
House of Representatives

September 8, 2010

Committee On Appropriations
Ranking Member, Agriculture Subcommittee
Defense Subcommittee

SAVANNAH OFFICE
One Diamond Causeway, Suite 7
Savannah, GA 31406
(912) 352-0101
(912) 352-0105 FAX

BAXLEY OFFICE
P.O. Box 40
Baxley, GA 31515
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(912) 367-7404 FAX

VALDOSTA OFFICE
Federal Building, Room 218
P.O. Box 5264
Valdosta, GA 31603
(229) 247-9188
(229) 247-9189 FAX

Administrator Lisa Jackson
Environmental Protection Agency
Ariel Rios Federal Building
1200 Pennsylvania Ave, NW
Washington, DC 20460

RE: PROPOSED EPA RULE

Dear Administrator Jackson,

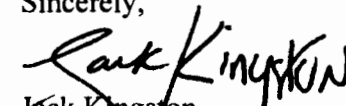
On June 4, 2010, the Environmental Protection Agency (EPA) issued a proposal that would require industrial, commercial, and institutional boilers and heaters to use maximum achievable control technology (MACT) to reduce harmful emissions that reduce air quality and pose a risk to public health. I am concerned that the potential impact of pending Clean Air Act regulation could be unsustainable for American manufacturers and the high-paying jobs they provide. The unintended consequences which this ruling creates could harm manufacturers, particularly in the forest products industry, during these difficult economic times.

Industry leaders have indicated that MACT floors would be better determined on a source basis, not a pollutant by pollutant basis. The EPA set the MACT limits using a small subset of data from the "best of the best" rather than the best 12% of data from all boilers as is required by the statute. I am concerned that by using this narrow data set, the proposed limits are not achievable within the industry. For example, boiler units with all the proposed controls may still not meet the limits. This would result in an industry investment of millions of dollars per boiler without the guarantee of achieving the required results.

In addition, these unattainable limits are counterproductive to the national goal of increasing renewable energy. Biomass is greenhouse gas-neutral source of energy and should be treated as a fuel as opposed to waste. A thorough and broad section of data points from units burning only biomass rather than combination fuels is required to create an realizable level for the tens of thousands of boilers this ruling would affect.

I urge you to reconsider the proposed rule to ensure compliance of the MACT floors is achievable and not detrimental to industry.

Sincerely,


Jack Kingston
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 1 2010

THE ADMINISTRATOR

The Honorable Jack Kingston
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Kingston:

Thank you for your letter of September 8, 2010 about the proposed standards for controlling hazardous air emissions from industrial, commercial, and institutional boilers and process heaters ("Boiler NESHAP"). You raise important concerns, and I take them very seriously.

As you know, the rulemakings at issue – the Boiler NESHAP and a related proposed rule for commercial and industrial solid waste incinerators ("CISWI Rule") – are not discretionary. In Sections 112 and 129 of the Clean Air Act, Congress directed the Environmental Protection Agency ("EPA") to establish these standards. EPA issued the proposals after many years of delay, and in order to meet a deadline set by the U.S. District Court for the District of Columbia.

Many of the facilities in question are located in very close proximity to neighborhoods where large numbers of people live and large numbers of children go to school. EPA estimates that the new standards will cut the facilities' toxic mercury emissions in half and, in the process, reduce their annual emissions of harmful sulfur dioxide and particulate matter by more than 300,000 tons and more than 30,000 tons respectively.

Each year, those reductions in air pollution will avoid an estimated 2,000 to 5,100 premature deaths, 1,400 cases of chronic bronchitis, 35,000 cases of aggravated asthma, and 1.6 million occurrences of acute respiratory symptoms. EPA estimates that Americans will receive five to twelve dollars in health benefits for every dollar spent to meet the standards.

Section 112 of the Clean Air Act directs EPA to calibrate the standards for each subcategory of facility to the emissions control that the best-performing twelve percent of existing facilities in that subcategory are currently achieving. The same section of the statute identifies the types of information that are necessary to justify the establishment of any separate subcategory. In an effort to establish separate subcategories wherever appropriate, and to calculate accurately the standards for each subcategory, EPA asked the affected companies and institutions for technical data about their facilities long before the court-ordered deadline for publishing a proposal. As is often the case in Section 112 rulemaking efforts, however, EPA did not receive many data. While the agency was not left entirely lacking in relevant information, the limited response from affected businesses and institutions did make it difficult for EPA to delineate subcategories and calculate standards that fully reflected operational reality. The

agency nevertheless was legally required to publish proposed subcategories and standards based on the information it had at the time.

Fortunately, a number of potentially affected businesses and institutions responded to EPA's published proposal by giving the agency relevant data that it had not possessed at the time of the proposal. The agency will make exhaustive use of all of the relevant data received during the period for public comment. EPA is now learning things that it did not know before about the particulars of affected sectors and facilities. The final standards will reflect the agency's new learning, and that is how the rulemaking process is supposed to work. In fact, EPA is so committed to ensuring that the final standards will reflect all of the relevant information received during the public comment period that the agency has just sought and obtained from the District Court a one-month postponement, until January 16, 2011, of the deadline for issuing the final Boiler NESHAP. EPA is taking the necessary time to get the final standards right.

Businesses that burn biomass in their boilers and process heaters are particularly worried that the limited information underlying EPA's proposed subcategories and standards might cause many boilers that currently burn renewable biomass to shut down entirely or to convert to burning non-renewable fossil fuels. Please know that EPA is paying particular attention to the subject of biomass-fired boilers and process heaters as the agency works to develop final standards. In your letter, you reference EPA's projection regarding new major-source boilers that burn biomass. That projection, which comes originally from the Energy Information Administration ("EIA"), is not based on the Boiler NESHAP or the CISWI Rule. Neither EPA nor EIA is projecting that these rules will cause anything like the cessation of the domestic biomass industry.

While many businesses are pleased that EPA solicited comment on using Section 112(d)(4) of the Clean Air Act to set a health-based standard (as opposed to a purely technology-based standard) for certain hazardous air pollutants such as hydrogen chloride, those same businesses believe that EPA should have identified the establishment of a health-based standard as the agency's preferred outcome. The discretionary establishment of a health-based standard would need to be based on an adequate factual record justifying it. EPA did not identify a health-based standard as a preferred outcome in the proposal, because the agency did not possess at the time of the proposal a factual record that could justify it.

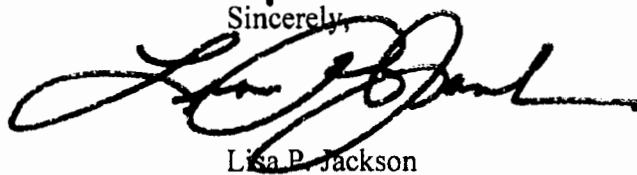
The pollution control equipment that limits emissions of hydrogen chloride also happens to limit emissions of other highly toxic air emissions, including acid gases. Thus, while a health-based standard might be justified for hydrogen chloride in isolation, EPA needs to consider the ramifications of such an alternative for the control of other highly toxic pollutants. With that said, EPA has taken note of the public comments on the establishment of a health-based standard. Several stakeholders commented, for example, that most biomass might contain less acid gas than most fossil fuels, potentially making biomass-fired boilers and process heaters better candidates than fossil fuel-fired ones for a health-based standard. EPA will carefully evaluate the substance and relevance of those comments, as well as any additional data submitted during the public comment period, before making a final decision on the establishment of any health-based standard.

In recent weeks, two industry trade associations issued two separate presentations, each claiming that the Boiler NESHAP and CISWI Rule would cost the U.S. economy jobs. The presentations differ significantly from each other when it comes to the number of jobs that allegedly would be lost. Moreover, the associations' methods for reaching their projections are in several respects opaque and in others clearly flawed. For example, they neglect to count the workers who will be needed to operate and maintain pollution control equipment and to implement work practices that reduce emissions.

Perhaps the most important observation to make about the two associations' claims, however, is that they pertain to a proposal, rather than to a final EPA action. For reasons stated earlier in this reply, the final standards will most assuredly differ from the proposed ones. The differences will demonstrate EPA's intent focus on making the regulatory subcategories appropriately reflect industrial variation in the real world, and on aligning the standards in each subcategory with the performance that real-world conditions prove are already achievable. The Clean Air Act does not place our need to increase employment in conflict with our need to protect public health. EPA's final standards will not either.

Again, thank you for your letter. If you have additional questions, please do not hesitate to contact me, or to have your staff contact David McIntosh in EPA's Office of Congressional and Intergovernmental Relations.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson", with a large, stylized flourish extending from the end of the signature.

Lisa P. Jackson

04-000-1435

JACK KINGSTON
1st District, Georgia

WASHINGTON OFFICE
2242 Rayburn House Office Building
Washington, DC 20515
(202) 225-5831
(202) 226-2269 FAX

BRUNSWICK OFFICE
Federal Building, Room 304
805 Gloucester Street
Brunswick, GA 31520
(912) 265-9010
(912) 265-9013 FAX



Congress of the United States
House of Representatives

November 3, 2004

Committee On Appropriations
Vice Chair, Republican Conference

SAVANNAH OFFICE
One Diamond Causeway
Suite 7
Savannah, GA 31406
(912) 352-0101
(912) 352-0105 FAX

BAXLEY OFFICE
P.O. Box 40
Baxley, GA 31515
(912) 367-7403
(912) 367-7404 FAX

WARNER ROBINS OFFICE
P.O. Box 9348
Warner Robins, GA 31095
(478) 923-8987
(478) 923-4734 FAX

Mr. Charles L. Engebretsen
Associate Administrator for Congressional Affairs
Environmental Protection Agency
1200 Pennsylvania Ave, NW, Room 3426 ARN
Washington, D.C. 20460

Dear Mr. Engebretsen:

One of my constituents, Mr. _____, has contacted me regarding a matter in which I believe your agency could be helpful. Therefore, the enclosed communication is submitted for your review.

I would very much appreciate your responding to the points raised by my constituent, and providing any assistance available under the applicable laws and regulations.

The contact person on my staff for this case is Bruce Bazemore. He can be reached at (912) 352-0101.

Thank you very much for your consideration and for advising me of any action you take in this matter.

Sincerely,

Jack Kingston
Member of Congress

Reply to: Bruce Bazemore
Congressman Jack Kingston
1 Diamond Causeway, Suite 7
Savannah, GA 31406

*Congressman
Kingston: Please handle*
Shale E. Egan

October 28, 2004

The Honorable Norman Y. Mineta
Secretary of Transportation
Washington, D.C.

The Honorable Spencer Abrams
Secretary of Energy
Washington, D.C.

The Honorable Mike Leavitt
Administrator
United States Environmental Protection Agency
Washington, D.C.

Dear Secretary Abrams, Secretary Mineta, and Mr. Leavitt:

I am writing to all three of you as your agencies working together can have a major role in our actions towards meeting the Kyoto Protocols on reducing global warming; the Protocols may impact the United States very soon. In the Protocols, this country will need to reduce our emissions of carbon dioxide to some level below our levels of 1990. There are few technologies that can have a major impact on our emissions of carbon dioxide. The light duty diesel engine, in conventional and in hybrid form, is one that can do so if implemented widely.

Klaus-Peter Schindler of Volkswagen in his paper "The Diesel Engine Powering Light Duty Vehicles – Today and Tomorrow" presented at the Diesel Engines Emissions (DEER) conference, sponsored by the Department of Energy, in August through September, 2004, describes the promise of light duty technology and its overwhelming acceptance in Europe. He also highlights a major philosophical difference in exhaust emission controls between Europe and the U. S.; the U. S. has focused on control of the oxides of nitrogen and the Europeans on control of the particulates in the exhaust stream. In the cost/benefit analyses conducted by the Environmental Protection Agency (EPA), the payoffs are in the health effects of particulate control. In diesels and other lean burn internal combustion engines, the technology for control of particulates in the exhaust is relatively well known using very low sulfur fuel, catalytic converters, and advanced fuel injection; this is not true for the control of the oxides of nitrogen, especially down to the point of diminishing returns levels of the EPA Tier 2 exhaust emission rules governing light duty diesels in 2007 and beyond. The Federal government should make possible the U. S. use of the advanced passenger car and sport utility diesel engine technology that is available now in Europe. U. S. light duty diesel exhaust emission rules on the test procedures and the oxides of nitrogen should be the same as those of Europe so we can use quickly their well proven technology. Dr. J. Gary Smyth of General Motors, in his

paper at the California Air Pollution Control Officer's Association meeting on 28 January 2004, estimates that the current EPA Tier 2 rules on the oxides of nitrogen are six times more restrictive than those of Europe. His paper also points out the difference in oxides of nitrogen standards caused by the difference in test procedures between U. S. and Europe.

The National Research Council 2004 report "Effectiveness and Impact of Corporate Average Fuel Economy (CAFE) Standards," that was sponsored by the Department of Transportation, said that the EPA Tier 2 regulations for 2007 and 2010 make uncertain the use of light duty diesel technology in the U. S. The report, in the Finding 14 on page 5, states that "significant technical developments concerning emissions control will have to occur or some adjustments to the Tier 2 emissions standards will have to be made". The report has many other comments on the light duty diesel Tier 2 exhaust emission rules that should be heeded.

The need for such extreme control of the oxides of nitrogen in the atmosphere is questionable in view of current scientific research. R. J. Charlson et al describe how the water soluble oxides of nitrogen, such as nitrogen dioxide, goes in solution in the water vapor, the humidity, in the air. T. P. Marcy et al quantifies how compounds such as ozone and, by implication, nitric oxide generated in the upper atmosphere by the Sun are transported into the lower atmosphere. Zhang et al assess the impacts of anthropogenic and natural NOx sources such as lightning over the U. S. on atmospheric chemistry; all of these preeminent research groups recommend a thorough reassessment of Federal policies in devising control strategies.

There appears to be a strong correlation of the increase in lung cancer in U. S. women in the 60's with the increased use of the highly volatile aromatic hydrocarbons, benzene, toluene, and xylene in gasoline starting in the 40's (See paper by Patel et al). This major increase does not correlate with the increase in smoking by women as documented by the Surgeon General. A recently identified air pollution issue arising from the aromatic hydrocarbons in gasoline is the formation of particulates in the atmosphere. A 2004 paper by Zhang et al identifies the role of the organic acids derived from those volatile aromatic hydrocarbons in particulate formation by reacting with the sulfur compounds in the air. Because of the carcinogenic and particulate air pollution effects of gasoline, national policy should be developed to discourage the use of benzene, toluene, and other highly volatile aromatic hydrocarbons in motor fuels and encourage the use of the much less volatile heavy fuels operating in lean burn engines.

The modern turbocharged direct injection diesel engine that is found in Europe and in new American heavy duty pickups is totally different than the diesel of 30 years ago. Pilot or multistage fuel injection, introduced in Europe in 1989, has changed the diesel engine, improving fuel economy, reducing noise, vibration, and harshness, increasing power density, and reducing exhaust emissions.

The use of current European diesel engine technology in our passenger cars and light trucks would go far in our conservation of oil. Estimates of fuel saving by the use

of current European advanced diesel technology ranges from 30 to 60% with more improvements to come. Our current oil consumption has impacts on national security, our balance of trade, global warming, and the future well being of our people. The U. S. consumption of oil is about 25 % of the oil used daily in the world. Our oil import's adverse impact on our balance of payments, using current imports of 10 million barrels/day at a price of \$55/barrel is \$550 million per day.

The current Tier II exhaust emission rules effective in 2007 and 2010 should be suspended for at least a decade; their redrafting coordinated with the relevant Federal agencies which must include your Agencies and Defense, Commerce, and Interior should be led by your Agencies. The Federal government should encourage research and development of very advanced lean burn heavy fuel engines over the large range of displacements and power levels that are present in the gasoline fueled engine range. The major fuel savings would arise from the replacement of the current spark ignition engines in large passenger cars, sport utilities, and light trucks with the turbocharged direct injection diesel engines, with conventional transmissions and as hybrid vehicles. In addition, a major cause of cancer in human beings, the vapors of benzene, could be reduced from our atmosphere by the use of diesel engines.

I would appreciate your attention to this matter. My phone number is (912) 598 1103; my email is chchurch1@aol.com.

Sincerely,



Charles H. Church

References

R. J. Charlson, J. H. Seinfeld, A. Nenes, M. Kulmala, A. Laaksonen, and M. C. Facchini, "Reshaping the Theory of Cloud Formation," *Science*, Vol. 292, pp. 2025- 2026 (15 June 2001)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 2 2004

OFFICE OF
AIR AND RADIATION

The Honorable Jack Kingston
U.S. House of Representatives
1 Diamond Causeway, Suite 7
Savannah, GA 31406

Dear Congressman Kingston:

Thank you for your letters of October 19 and November 3, 2004, on behalf of your constituent, Dr. [redacted]. Dr. [redacted] has written to you and the Environmental Protection Agency (EPA) several times on the topic of the environmental benefits of light-duty diesel vehicles. We have responded to Dr. [redacted] directly, and have enclosed copies of that correspondence for your information.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Ronna Landy, in the Office of Congressional and Intergovernmental Relations, at (202) 564-3109.

Sincerely,

A handwritten signature in black ink, which appears to read "J. Holmstead (for)".

Jeffrey R. Holmstead
Assistant Administrator

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NATIONAL VEHICLE AND FUEL EMISSIONS LABORATORY
2585 PLYMOUTH ROAD
ANN ARBOR, MICHIGAN 48105-2498

OFFICE OF
AIR AND RADIATION

NOV 15 2004

Dr.

Savannah, GA 31411

Dear Dr

Thank you for your letter concerning the environmental benefits of light-duty diesel vehicles. As you know we have discussed this issue previously with you in prior correspondence. We appreciate that you took the time to share your comments with us. Unfortunately, we do not have any new information to share with you at this time, but we will consider your comments in any future actions on this issue.

Again thank you for your letter and continued interest in environmental issues.

Sincerely,

A handwritten signature in black ink, which appears to read "Chester J. France", is positioned above the printed name.

Chester J. France, Director
Assessment and Standards Division





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 1 2004

OFFICE OF
AIR AND RADIATION

The Honorable Jack Kingston
Member, United States
House of Representatives
1 Diamond Causeway, Suite 7
Savannah, GA 31406

Dear Congressman Kingston:

Thank you for your letter of August 26, 2004, on behalf of your constituent Mr. [redacted] who has several important concerns regarding light-duty passenger cars and the types of fuel they use. Mr. [redacted] also sent the same letter to Administrator Leavitt, and we have replied to Mr. [redacted] directly. Please find enclosed a copy of our response letter for your information.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Ronna Landy, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-3109.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Holmstead", followed by a circled "p" indicating a photocopy.

Jeffrey R. Holmstead
Assistant Administrator

Enclosure



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NATIONAL VEHICLE AND FUEL EMISSIONS LABORATORY
2565 PLYMOUTH ROAD
ANN ARBOR, MICHIGAN 48105**

SEP 15 2004

OFFICE OF
AIR AND RADIATION

Dr. Che
10
Savannah, GA 31411

Dear Dr.

Thank you for your letter of August 26, 2004, to U.S. Environmental Protection Agency (EPA) Administrator Leavitt, in which you express your continued concerns about the carcinogenic danger of the vapors from unleaded gasoline, and you raise questions about the need for control of nitrogen oxide emissions. In your letter you also comment that EPA should ease emissions standards for diesel passenger cars so as to make wider use of diesel engines possible in the passenger car market.

As you know, EPA has declared benzene a known human carcinogen and, as I mentioned in my August 4, 2004, letter to you, EPA has implemented controls for benzene as well as total hydrocarbons. Typical gasoline benzene levels are one to two percent. Benzene emissions have been declining and will continue to decline as a result of these controls despite increases in vehicle miles traveled. Your letter stated that toluene and xylene, which typically constitute roughly 30 percent of gasoline, are carcinogens. Actually, EPA has reviewed extensively the health information for these compounds and has classified neither as carcinogens stating that data are inadequate for such a classification. In any case, emissions of these compounds from motor vehicles have also been declining in recent years.

You also cite the role of aromatic hydrocarbon compounds in gasoline in forming organic particulates, and you cite a paper by Mario Molina, a Nobel Prize winner. We are aware of this and other work, and EPA scientists have worked with Dr. Molina. Still, recent investigations of ambient particulate show that the direct emission of particulate in the exhaust is, along with sulfates and nitrates, responsible for almost all ambient particulate levels. EPA regulations are reducing and will continue to reduce these emissions.

Issues regarding the need for stringent control of nitrogen oxide from motor vehicles were raised in recent EPA rulemakings for light-duty vehicles, heavy-duty highway truck engines, and nonroad diesel engines. As was discussed in the extensive analyses accompanying those final rulemakings, control of nitrogen oxides is necessary for both ozone attainment and for reduction of particulates (that is, particulate nitrate) in the atmosphere. Our most recent

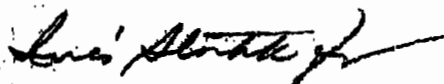
rulemaking analysis, that done for the nonroad diesel Tier 4 rule, can be found on the web at www.epa.gov/nonroad-diesel/2004fr.htm#ria (see Chapter 2: Air Quality, Health, and Welfare Effects).

As you may know from our rulemakings, diesel engines emit substantial quantities of particulate which cause major adverse health effects just as caused by any other particulate. Also, diesel exhaust has been classified as a likely human carcinogen. EPA has not fully quantified the potential carcinogenic impact from diesel exhaust but has provided a range of possible risk. That range is higher than the carcinogenic risk associated with benzene. Agencies in California have independently estimated the carcinogenic impact from diesel particulate and concluded that the risk is more substantial than that from benzene. In either case, both emissions are being controlled.

EPA carefully considers both the fuel borne and the tailpipe exhaust emissions when setting emissions standards. Our Tier 2 light-duty vehicle rule set fuel neutral standards resulting in identical emissions standards regardless of the fuel burned by the engine. As I noted in my August 4, 2004, letter to you, EPA agrees about the potential benefits of the introduction of clean, light-duty diesel cars in this country. However, we do not believe there needs to be a trade-off between energy efficiency and environmental protection. We strongly believe that diesel vehicles can and should meet the same emission standards met by gasoline vehicles. The promising development work done to date on diesel passenger cars furthers this belief.

Again, thank you for your letter. I appreciate the opportunity to be of service and trust the information provided is helpful.

Sincerely,



Chester J. Franco, Director
Assessment and Standards Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 18 2004

OFFICE OF
AIR AND RADIATION

The Honorable Jack Kingston
Member, United States
House of Representatives
One Diamond Causeway, Suite 7
Savannah, GA 31406

Dear Congressman Kingston:

Thank you for your letter of July 2, 2004, on behalf of your constituent, Mr. [redacted], who makes several important comments about light-duty diesel engine technology. Mr. [redacted] also sent the same letter to Administrator Leavitt and we have replied to Mr. [redacted] directly. A copy of our response letter is enclosed for your information.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Ronna Landy, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-3109.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Holmstead", followed by the initials "(for)" in parentheses.

Jeffrey R. Holmstead
Assistant Administrator

Enclosure

AL-0400972



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NATIONAL VEHICLE AND FUEL EMISSIONS LABORATORY
2585 PLYMOUTH ROAD
ANN ARBOR, MICHIGAN 48105-2498**

AUG - 4 2004

OFFICE OF
AIR AND RADIATION

Mr.

Savannah, GA 31411

Dear Mr. Church:

Thank you for your letter of June 29, 2004, to U.S. Environmental Protection Agency (EPA) Administrator Leavitt, in which you make several important comments about light-duty diesel engine technology. Specifically, you encourage EPA to endorse vehicles that operate on low volatility hydrocarbon fuels (e.g., diesel fuel rather than gasoline) and to remove what you perceive to be "roadblocks" to the use of advanced diesel technology in this country to promote energy conservation. You also shared some concerns about public health effects of highly volatile aromatic hydrocarbons in fuels.

First, we agree with you about the potential benefits of the introduction of clean, light-duty diesel cars in this country, in terms of improved fuel efficiency, reduced greenhouse gas emissions, and improved energy security. However, we do not believe there needs to be a trade-off between energy efficiency and environmental protection. Air quality and public health problems related to tailpipe exhaust emissions, particularly for nitrogen oxides and particulate matter, are widespread in this country. To help address these problems, in 1999, EPA established new emission standards for light-duty vehicles (known as the "Tier 2" program). This program will result in vehicles that are 77% - 95% cleaner, compared with model year 2003 and earlier. For the first time, the Tier 2 program established the same set of standards for all light-duty vehicles, regardless of the fuel they use (i.e., gasoline and diesel vehicles must meet the same standards).

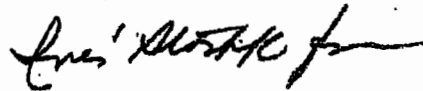
We are optimistic about the potential for clean diesel technology to enter the passenger car market and meet the Tier 2 standards. We have made that path easier by requiring clean, ultra-low sulfur diesel fuel in 2006. We have tested several prototype Tier 2 diesel vehicles in our National Vehicle and Fuel Emissions Laboratory that are showing significant progress in meeting the Tier 2 standards, which take effect in the 2007 model year for passenger cars and the 2009 model year for the larger pick-up trucks and sport utility vehicles. Furthermore, through meetings with automobile manufacturers we have seen evidence of the progress they are making toward compliance. To build a market for clean diesel vehicles in this country, the last thing one should suggest is that these vehicles should be dirtier than gasoline vehicles. The old reputation

of diesel being dirty, smelly, and having poor performance is the main hurdle automakers must overcome, not EPA clean air standards.

Finally, allow me to address your comments with regard to benzene and highly volatile aromatic hydrocarbons in fuels. EPA has regulations that limit toxic emissions from gasoline. We are currently considering additional controls for mobile source air toxics that are emitted from both gasoline and diesel-fueled vehicles.

Again, thank you for your letter. I appreciate the opportunity to be of service and trust the information provided is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. France", with a stylized flourish at the end.

Chester J. France, Director
Assessment and Standards Division

Congress of the United States**Washington, DC 20515**

June 16, 2010

Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., NW, Room 3426 ARN
Washington, DC 20460

Dear Administrator Jackson:

We are writing to express our deep disappointment and concern over the EPA's decision in its final PSD Tailoring Rule to depart from the government's consistent past practice of excluding biomass combustion emissions in calculating GHG emissions. This decision contradicts federal precedent regarding the carbon neutrality of biomass combustion and will discourage the responsible development and utilization of renewable biomass that could and should play a more significant role in our nation's energy policy.

The PSD Tailoring Rule defines what stationary sources will be subject to greenhouse gas (GHG) emission controls and regulations in a phase-in process beginning on January 2, 2011. In the draft Tailoring Rule, the EPA proposed to calculate a source's GHG emissions relying on the EPA's Inventory of U.S. Greenhouse Gas Emissions and Sinks. In the final rule, EPA ignored its own inventory and equated biogenic GHG emissions with fossil fuel emissions.

The EPA's proposal at a minimum implied, if not made it clear, that emissions from biomass combustion would not be included in the final Tailoring Rule because the EPA Inventory states biomass combustion emissions are of "biogenic origin" and are not currently included in national emissions totals. The Inventory explicitly excludes biogenic emissions because "it is assumed that the carbon released during the consumption of biomass is recycled as U.S. forests and crops regenerate, causing no net addition to carbon dioxide in the atmosphere." The EPA's reversal of this established position by including biomass combustion emissions in the final PSD Tailoring Rule appears to directly contradict previous EPA policy.

The decision also contradicts long-standing federal and international precedents. Emissions from the combustion of biomass are not included in the Department of Energy's voluntary greenhouse gas emissions reporting programs, the EPA's greenhouse gas reporting rule, or calculations of international bodies including the Intergovernmental Panel on Climate Change and the European Union.

Moreover, when the House of Representatives passed the American Clean Energy and Security bill (H.R. 2454) in June, 2009, Congress clarified that biomass material from both private and public lands qualify as a renewable energy source. A similar definition of renewable biomass is included in the recently released discussion draft of Senator Kerry and Senator Lieberman's American Power Act. While improvements should be made

to the definition on federal lands, these definitions clearly demonstrate Congress's commitment to and support of biomass utilization. EPA's new interpretation undermines these objectives by arbitrarily eliminating the greenhouse gas benefits of biomass compared to conventional fossil fuels.

There is enormous potential to generate renewable energy from waste products gathered on public and private lands. This includes byproducts of preventive treatments that are removed to reduce hazardous fuels, to reduce or contain disease or insect infestation, or to restore forest health.

Millions of acres of public and private forests generate hundreds of thousands of wood chips, slash, brush, and thinning each year. Current practice is to pile and burn this material in the open.

Using biomass to produce local energy in a controlled environment at a facility outfitted with air scrubbers that comply with the Clean Air Act makes more sense than burning it in the open. Further, this would help stimulate the economies of rural communities surrounded by federal lands by creating jobs.

Including biomass combustion emissions in the final PSD Tailoring Rule and potentially imposing new regulations on biomass combustion facilities will discourage the collection and transportation of woody biomass from public and private lands. Instead of encouraging the recovery of a clean, carbon neutral energy source from public and private forests, the EPA's decision will likely result in the continuation of burning biomass material in the open. Beyond the policy and pragmatic ramifications of EPA's new decision, it is also inconsistent with and contradictory to the well established science regarding biomass combustion.

In light of the EPA's decision to reverse federal and international precedent and ignore clear Congressional intent regarding biomass utilization, we respectfully request a written detailed response explaining your plan to reconsider the treatment of emissions of biogenic carbon dioxide under the PSD and Title V programs. In particular, we would like to understand your agreement with the Secretary of Agriculture to seek further comment on the greenhouse gas benefits of bioenergy and the specific timeline when this will take place. We expect that you will conduct this review promptly in order to avoid any adverse consequences to biomass combustion facilities. We urge you to stay the application of the rules to such facilities, pending such review.

Your written response should include: 1) specific details regarding your agreement with the Secretary of Agriculture to seek further comment on the GHG benefits of bioenergy; 2) a specific timeline detailing in months when this will take place; and 3) whether you will stay the application of the rules to biomass combustion facilities pending your review.

Thank you in advance for your attention to this matter. We look forward to your timely and substantive response.

Sincerely,



Peter DeFazio
Member of Congress



Kurt Schrader
Member of Congress



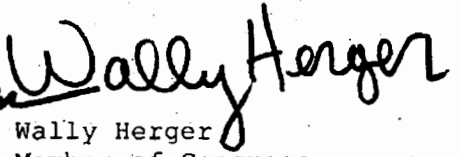
Brian Baird
Member of Congress



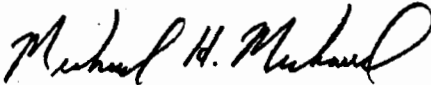
Greg Walden
Member of Congress



Cathy McMorris Rogers
Member of Congress



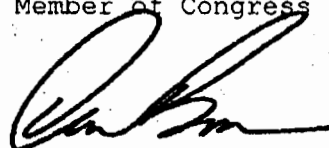
Wally Herger
Member of Congress



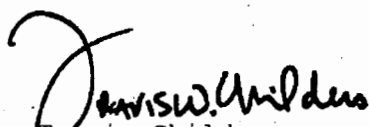
Michael Michaud
Member of Congress



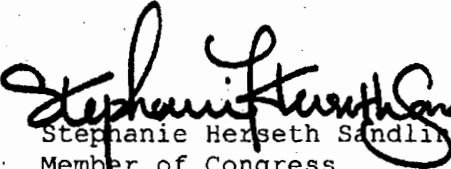
Glenn Thompson
Member of Congress



Dan Boren
Member of Congress



Travis Childers
Member of Congress



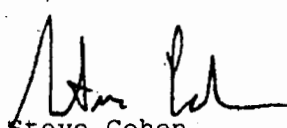
Stephanie Herseth Sandlin
Member of Congress



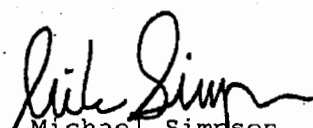
Walter Jones
Member of Congress



Walt Minnick
Member of Congress



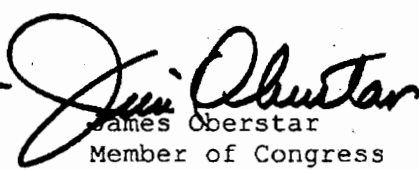
Steve Cohen
Member of Congress



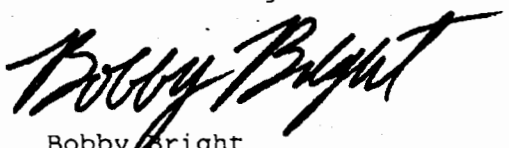
Michael Simpson
Member of Congress



Rob Bishop
Member of Congress



James Oberstar
Member of Congress



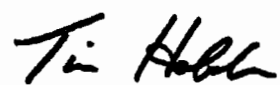
Bobby Bright
Member of Congress



Steve Kagen
Member of Congress



Rick Larsen
Member of Congress



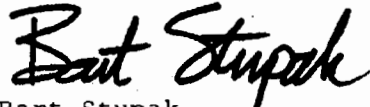
Tim Holden
Member of Congress



William Owens
Member of Congress



Frank Lucas
Member of Congress



Bart Stupak
Member of Congress

Chris Lee

Chris Lee
Member of Congress

Thomas Perriello

Thomas Perriello
Member of Congress

Bob Goodlatte

Bob Goodlatte
Member of Congress

Roy Blunt

Roy Blunt
Member of Congress

Denny Rehberg

Denny Rehberg
Member of Congress

Ann Kirkpatrick

Ann Kirkpatrick
Member of Congress

Cynthia Lummis

Cynthia Lummis
Member of Congress

G.K. Butterfield

G.K. Butterfield
Member of Congress

Mike Rogers

Mike Rogers (MI)
Member of Congress

Scott Murphy

Scott Murphy
Member of Congress

John Barrow

John Barrow
Member of Congress

Rick Boucher

Rick Boucher
Member of Congress

Jim Marshall

Jim Marshall
Member of Congress

Jo Ann Emerson

Jo Ann Emerson
Member of Congress

David Wu

David Wu
Member of Congress

Shelley Moore Capito

Shelley Moore Capito
Member of Congress

Roscoe Bartlett

Roscoe Bartlett
Member of Congress

Jo Bonner

Jo Bonner
Member of Congress

Mike Rogers

Mike Rogers (AL)
Member of Congress

Mike McIntyre

Mike McIntyre
Member of Congress

Gregg Harper

Gregg Harper
Member of Congress

John Sullivan

John Sullivan
Member of Congress

Norm Dicks

Norm Dicks
Member of Congress

Marion Berry

Marion Berry
Member of Congress



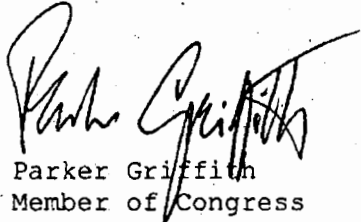
Charles Wilson
Member of Congress



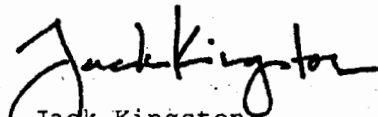
Tom Cole
Member of Congress



Paul Hodes
Member of Congress



Parker Griffith
Member of Congress




Jack Kingston
Member of Congress



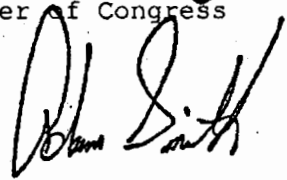
Doc Hastings
Member of Congress



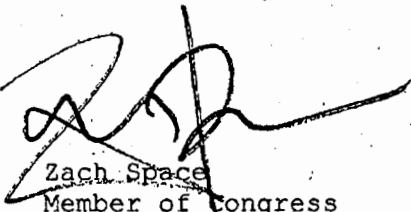
David Reichert
Member of Congress



Robert Aderholt
Member of Congress



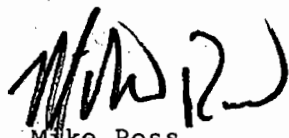
Adam Smith
Member of Congress



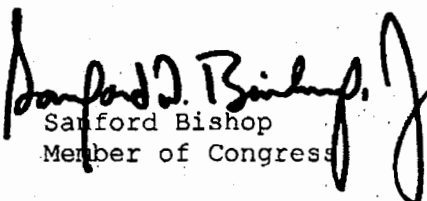
Zach Space
Member of Congress



Rodney Alexander
Member of Congress



Mike Ross
Member of Congress



Sanford Bishop
Member of Congress



Michael Arcuri
Member of Congress

CC: Secretary Vilsack
U.S. Department of Agriculture
212A Whitten Building
1400 Independence Avenue, SW
Washington, DC 20250



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 09 2010

OFFICE OF
AIR AND RADIATION

The Honorable Jack Kingston
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Kingston:

Thank you for your June 16, 2010, letter to Administrator Jackson raising concerns regarding the treatment of biomass combustion emissions in the Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas Tailoring Rule (the "Tailoring Rule"). At her request, I am writing to respond.

I would like to address your comments about the treatment of biomass combustion emissions in the final Tailoring Rule and to assure you that we plan to further consider how the PSD and Title V permitting programs apply to these emissions.

As you noted, the final Tailoring Rule does not exclude biomass-derived carbon dioxide emissions from the calculations for determining PSD and Title V applicability for GHGs. To clarify a point made in your letter, the proposed Tailoring Rule also did not propose to exclude biomass emissions from the calculations for determining PSD and Title V applicability for GHGs. The proposed Tailoring Rule pointed to EPA's Inventory of Greenhouse Gas Emissions and Sinks for guidance on how to estimate a source's GHG emissions on a CO₂-equivalent basis using global warming potential (GWP) values¹. This narrow reference to the use of GWP values for estimating GHG emissions was provided to offer consistent guidance on how to calculate these emissions and not as an indication, direct or implied, that biomass emissions would be excluded from permitting applicability merely by association with the national inventory.

We recognize the concerns you raise on the treatment of biomass combustion emissions for air permitting purposes. As stated in the final Tailoring Rule, we are mindful of the role that biomass or biogenic fuels and feedstocks could play in reducing anthropogenic GHG emissions, and we do not dispute observations that many federal and international rules and policies treat biogenic and fossil fuel sources of CO₂ emissions differently. Nevertheless, we explained that the legal basis for the Tailoring Rule, reflecting specifically the overwhelming permitting burdens that would be created under the statutory emissions thresholds, does not itself provide a rationale for excluding all emissions of CO₂ from combustion of a particular fuel, even a biogenic one.

¹ See 74 FR 55351, under the definition for 'carbon dioxide equivalent'.

The fact that in the Tailoring Rule EPA did not take final action one way or another concerning such an exclusion does not mean that EPA has decided that there is no basis for treating biomass CO₂ emissions differently from fossil fuel CO₂ emissions under the Clean Air Act's PSD and Title V programs. The Agency is committed to working with stakeholders to examine appropriate ways to treat biomass combustion emissions, and to assess the associated impacts on the development of policies and programs that recognize the potential for biomass to reduce overall GHG emissions and enhance U.S. energy security. Accordingly, today we issued a Call for Information² asking for stakeholder input on approaches to addressing GHG emissions from bioenergy and other biogenic sources, and the underlying science that should inform these approaches. Taking into account stakeholder feedback, we will examine how we might address such emissions under the PSD and Title V programs. We will move expeditiously on this topic over the next several months. As we do so, we will continue to work with key stakeholders and partners, including the U.S. Department of Agriculture, whose offices bring recognized expertise and critical perspectives to the issues at hand.

Thank you again for your continued interest in this issue. If you have any questions, please contact me, or your staff may contact Cheryl Mackay in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gina McCarthy', is positioned above the printed name.

Gina McCarthy
Assistant Administrator

² Posted online at http://www.epa.gov/climatechange/emissions/biogenic_emissions.html

Congress of the United States
Washington, DC 20515

September 27, 2010

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Dear Administrator Jackson:

We write to convey our continued concerns regarding the U.S. Environmental Protection Agency's (EPA) latest actions in its review of the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). The Second Draft Policy Assessment (PA) for PM released on July 8, 2010 in the Federal Register lays the foundation for establishing the most stringent and unparalleled regulation of dust in our nation's history. We urge the EPA to refrain from going down this path.

Scientific studies are at best ambiguous in support of tightening the existing coarse PM standard. According to the PA, the science would justify leaving the standard as it is, in terms of public health. It is also critical to maintain the current standard for economic sustainability. A coarse PM NAAQS of 65-85 $\mu\text{g}/\text{m}^3$ would be approximately twice as stringent as the current standard and would require the designation of many more non-attainment areas than currently exist, particularly in rural areas. The current standards have been very difficult and expensive for industries in the Western part of the country to attain, including agricultural and other resource-based industries. The possibility of those same industries having to meet a standard that is twice as stringent causes us great concern, especially when a revision is not required by science.

In addition, contrary to EPA's assertion, a dust standard in the range of 65-85 $\mu\text{g}/\text{m}^3$ with a 98th percentile form is not equal to the current standard of 150 $\mu\text{g}/\text{m}^3$ with a 99th percentile form in arid rural areas of the United States. In fact, it appears that such a standard would target rural areas. Considering the Administration's claim that it is focusing on revitalizing rural America and rural economic development, a proposal such as this would have a significant negative impact on those very goals.

While we respect efforts for a clean and healthy environment, scientific studies do not support the need for revising the dust standard. We are hopeful that common sense will prevail and the EPA will refrain from causing extreme hardship to farmers, livestock producers, and other resource-based industries throughout rural America. Whether it is livestock kicking up dust, corn being combined, or a pickup driving down a gravel road, dust is a naturally-occurring event in rural areas. Common sense requires the EPA to acknowledge that the wind blows dust around in these areas, and that is a fact of life.

Sincerely,

Cynthia D. Lummis

Jack D. L...

Nichole Bachmann

W. Coe ...

Phil ...

Bob ...

Bill ...

Lynn Jenkins

Stephanie ...

Paul C. Brown

Mike ...

R. ...

Bill Shuster

Marsha Blackburn

R. Marking

Ed H. Lutz

John Shadley

John H. Lutz

Ann Eck

Jim Jub
Eric Chaffetz

Joe Wilson

Carlson

Sue Myrick

Doug Lamborn

Joseph R. Pitts

J. M. Chis

Boyd Martin 124-2

Harry Teague

Steve King

Blair J. J. J.

Ting -

Bobby Bright

Mary Fullin

John S. S.

Stanley E. E.

Jeff Fortensky

Mr. K. K.

Mr. Young

Lynn A. A.

John Kline

Betty Markay

Robert B. B.

S. S.

Robert E. E.

G. Giffards

Joe Barton

Mr. T. T.

Walt Whit
Adel.

John J. Dwyer
Bob Goodkith

Jack Kingston
Walter B. Jones

Samuel Bishop

John Emerson
John IL-19

Kenneth Long
Jerry Moran

Ray Blunt
Ray Walden

Rich Simpson
Lee Terry

Mike McIntyre

Todd Thirt
Sam Cole

Ron Paul

Christian Smith

Randy Murm

Howard Cobb

E Whitfield

Jeff Hershey

John Eric

Wally Hergen

Mike Coffman

Rep. Cynthia M. Lummis
Rep. Frank Lucas
Rep. Michele Bachmann
Rep. Todd Akin
Rep. Phil Gingrey
Rep. Rob Bishop
Rep. Bill Posey
Rep. Lynn Jenkins
Rep. Stephanie Herseth Sandlin
Rep. Paul C. Broun
Rep. Mike Rogers (AL)
Rep. Kevin Brady
Rep. Bill Shuster
Rep. Joe Wilson
Rep. Marsha Blackburn
Rep. Dan Boren
Rep. Kenny Marchant
Rep. Sue Myrick
Rep. Adam Putnam
Rep. Doug Lamborn
Rep. John Shadegg
Rep. Joseph R. Pitts
Rep. John Carter
Rep. Tom McClintock
Rep. Aaron Schock
Rep. Brett Guthrie
Rep. Jim Jordan
Rep. Harry Teague
Rep. Jason Chaffetz
Rep. Steve King
Rep. Blaine Luetkemeyer
Rep. Lynn A. Westmoreland
Rep. Timothy V. Johnson
Rep. John Kline
Rep. Bobby Bright
Rep. Betsy Markey
Rep. Mary Fallin
Rep. Robert Aderholt

Rep. John Spratt
Rep. Sam Graves
Rep. Leonard Boswell
Rep. Robert E. Latta
Rep. Jeff Fortenberry
Rep. Gabrielle Giffords
Rep. Ann Kirkpatrick
Rep. Joe Barton
Rep. Don Young
Rep. Mac Thornberry
Rep. Walt Minnick
Rep. Michael Conaway
Rep. Ike Skelton
Rep. Jerry Moran
Rep. John J. Duncan
Rep. Roy Blunt
Rep. Bob Goodlatte
Rep. Gary Walden
Rep. Jack Kingston
Rep. Mike Simpson
Rep. Walter B. Jones
Rep. Lee Terry
Rep. Sanford D. Bishop
Rep. Mike McIntyre
Rep. Jo Ann Emerson
Rep. Todd Tiahrt
Rep. John Shimkus
Rep. Tom Cole
Rep. Ron Paul
Rep. Adrian Smith
Rep. Randy Neugebauer
Rep. Howard Coble
Rep. Ed Whitfield
Rep. Jeb Hensarling
Rep. John Sullivan
Rep. Wally Herger
Rep. Mike Coffman



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 10 2010

OFFICE OF
AIR AND RADIATION

The Honorable Jack Kingston
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Kingston:

Thank you for your letter of September 27, 2010, cosigned by 74 of your colleagues, expressing concern over the ongoing review of the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). The Administrator asked that I respond to your letter.

We appreciate the importance of NAAQS decisions to western portions of the country as well as to rural and agricultural communities, and I respect your perspectives and opinions. NAAQS are set to protect public health from outdoor air pollution, and are not focused on any specific category of sources or on any particular activity (including activities related to agriculture). The NAAQS are based on consideration of the scientific evidence and technical information regarding the health and welfare effects of the pollutants for which they are set.

We are early in the process and far from making any decisions on whether the PM standards should be changed. The next step is consideration of public comments and advice from the Clean Air Scientific Advisory Committee on a draft Policy Assessment (PA) prepared by staff at the U.S. Environmental Protection Agency (EPA). The PA is not a decision document; it will be used with other information to inform the Administrator so she is able to determine whether, and if so how, to propose a revision of the NAAQS. There is a significant amount of work to be done, and a formal proposal and call for further public review and comments would not be issued until early 2011. Before any rule would be proposed, EPA would reach out to agricultural and rural interests to learn their concerns and perspectives. Following consideration of public comments on a proposal, the Administrator would issue a notice of final rulemaking later in 2011.

I want to note a correction with regard to your statement that "a coarse PM NAAQS of 65-85 $\mu\text{g}/\text{m}^3$ would be approximately twice as stringent as the current standard." This is incorrect. According to EPA's draft PA, it would be appropriate to consider this range of alternative PM₁₀ numerical levels only in conjunction with a significant change in the method used to calculate whether an area attains the standard. Such a change in the calculation could provide more flexibility than the current standard and greater year-to-year stability for the states.

We remain committed to common sense approaches to improving air quality across the country without placing undue burden on agricultural and rural communities. We will continue discussing these options with the Agency's science advisors and the public. This is all part of the open and transparent rulemaking process that provides Americans with many opportunities to offer their comments and thoughts. Your comments and those of your colleagues will be fully considered as we proceed with our deliberations.

Again, I thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", with a large, sweeping flourish at the end.

Gina McCarthy
Assistant Administrator

JACK KINGSTON
1st District, Georgia

WASHINGTON OFFICE
2372 Rayburn House Office Building
Washington, DC 20515
(202) 225-5831
(202) 226-2269 FAX

BRUNSWICK OFFICE
Federal Building, Room 304
805 Gloucester Street
Brunswick, GA 31520
(912) 265-9010
(912) 265-9013 FAX



Congress of the United States
House of Representatives

July 8, 2011

11-001-1202
Committee On Appropriations
Chairman, Agriculture Subcommittee
Defense Subcommittee
Labor HHS and Education Subcommittee

SAVANNAH OFFICE
One Diamond Causeway, Suite 7
Savannah, GA 31406
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(912) 352-0105 FAX

BAXLEY OFFICE
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Baxley, GA 31515
(912) 367-7403
(912) 367-7404 FAX

VALDOSTA OFFICE
P.O. Box 5264
Valdosta, GA 31603
(229) 247-9188
(229) 247-9189 FAX

Ms. Lois Rossi
Registration Division
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

RE: Expedited Approval of Ag Logic, LLC (EPA File Symbol No. 87895-R) aldicarb registration

Dear Ms. Rossi,

I am writing to urge the EPA to approve the pending application for the registration of aldicarb. Aldicarb is critical to the ongoing production of cotton and peanuts, which are among the leading cash crops in Georgia. Cotton production in Georgia is currently at 2.2 million bales producing a market value of \$926 million and Georgia is the largest peanut producing state in the country. Growers in Georgia and across the Southeast need this crop protection product in order to continue harvesting cotton and peanuts at current yield levels.

The current Ag Logic aldicarb registration application is identical to the existing EPA approved label of Bayer CropScience. Additionally, EPA has received over 160 favorable public responses to the Federal Register Notice (FR Vol. 76, No.61, Pg. 17645, Wednesday March 30, 2011) requesting public comment on Ag Logic's pending MEYMIK 15 G aldicarb registration application (EPA File Symbol No. 87895-R).

Aldicarb has been safely used for soil-borne and surface pest control on cotton and peanuts for over 40 years. It is primarily used for controlling nematodes and thrips, but also provides protection against fleahoppers, plantbugs, aphids and spider mites. According to the University of Georgia researchers, cotton treated with aldicarb yields 373 pounds per acre higher than untreated cotton and 90 pounds per acre higher than cotton with seed treatment. Peanut growers indicate a loss of \$300 per acre without use of aldicarb.

On behalf of my constituents, I request EPA's expedited approval of the Ag Logic application.

Sincerely,

Jack Kingston
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG - 4 2011

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Jack Kingston
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Kingston:

Thank you for your letter of July 8, 2011, requesting that the U.S. Environmental Protection Agency expedite its review of the pending application for aldicarb.

As you are aware, EPA announced in the *Federal Register* (Vol. 76, No. 61, Pg. 17645, March 30, 2011) that Ag Logic LLC, a subsidiary of MEY Corporation, submitted an application for registration of an aldicarb product for all uses previously supported by Bayer CropScience (with the exception of citrus and potatoes). EPA invited public comment on the proposed registration of this product before making a final decision. The responses received during the public comment period along with Ag Logic LLC's application are currently being reviewed by EPA scientists.

The agency's decision will be based on whether the proposed uses result in unreasonable adverse effects to human health or the environment, as well as the economic, social and environmental costs and benefits of the proposed uses. In accordance with the Pesticide Registration Improvement Renewal Act, the deadline for EPA to make a regulatory decision for this application is October 21, 2011. EPA expects to finalize its decision on or before the due date, following a review of the application and all comments received.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Mr. Sven-Erik Kaiser in EPA's Office of Congressional and Intergovernmental Relations at (202) 566-2753.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Owens", is written over the typed name.

Stephen A. Owens
Assistant Administrator

JACK KINGSTON
1st District, Georgia

WASHINGTON OFFICE
2368 Rayburn House Office Building
Washington, DC 20515
(202) 225-5831
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Brunswick, GA 31520
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(912) 265-9013 FAX



Congress of the United States

House of Representatives

July 28, 2011

11-001-3075
Committee On Appropriations
Ranking Member, Agriculture Subcommittee
Defense Subcommittee

SAVANNAH OFFICE
One Diamond Causeway, Suite 7
Savannah, GA 31408
(912) 352-0101
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(912) 367-7404 FAX

VALDOSTA OFFICE
Federal Building, Room 218
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Valdosta, GA 31603
(229) 247-9189
(229) 247-9189 FAX

Mr. Charles L. Engebretsen
Associate Administrator for Congressional Affairs
Environmental Protection Agency
1200 Pennsylvania Ave, NW, Room 3426 ARN
Washington, D.C. 20460

Dear Mr. Engebretsen:

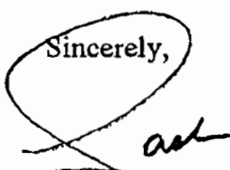
One of my constituents, Mr. , has contacted me regarding a matter in which I believe your agency could be helpful. Therefore, the enclosed communication is submitted for your review.

I would very much appreciate your responding to the points raised by my constituent, and providing any assistance available under the applicable laws and regulations.

The contact person on my staff for this case is Mrs. Brooke Floyd. She can be reached at (912) 367-7403.

Thank you very much for your consideration and for advising me of any action you take in this matter.

Sincerely,


Jack Kingston
Member of Congress

Floyd, Brooke

From: ["Brooke Floyd" <brooke.floyd@usda.gov>](#)
Sent: Thursday, July 28, 2011 10:07 AM
To: Floyd, Brooke
Subject: Fwd: RE: Import problem at Port of Savannah

6-6840

[illegible]

> I am attaching copies of the paperwork from John S James Company at the Port of Savannah. If you have someone on your staff who has some expertise in these matters, I would greatly appreciate your help. If it is not possible to resolve this import problem to use the engine on my farm, then Ron Pozdol at John S James (who has been very helpful) has suggested that perhaps, the engine could be donated to a mission in another country

and the engine not simple destroyed by customs.

>

>

>

> Again, I thank you for your service to our nation and I wish you all the best in your endeavors to straighten out the mess up there in Washington. I await your response.

>

>

>

> Regards,

>

>

>

>



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[Search Products/Services](#)

Maize Grinding Mill

Maize Huller

Chaff Cutter

Sugarcane Crusher ✓

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Item Code:
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Send Enquiry

INVOICE

DEP AGRO MACHINERIES PVT. LTD. Near Kashiaram Textiles, Narol, Ahmedabad - 382 405 (INDIA)		Invoice No. & Date 04 02.06.2011		Exporter's Ref.	
		Buyer's Order No. & Date Your E-mail			
		Other Reference(s) Nil.			
Consignee UDDM GA 31555 U.S.A Telephone :		Buyer (if other than consignee)			
		Country of Origin of Goods INDIA		Country of Final Destination U.S.A	
		Terms of Delivery and Payment			
Carriage by By Rail/Road Vessel/Flight No MAERSK IDAHO Port of Discharge SAVANNAH - GA		Place of Receipt by Pre-carrier ICD Ahmedabad Port of Loading NSICT, INDIA Final Destination U.S.A SAVANNAH - GA			
Marks & Nos./ Container No 1 Box		No. & Kind of Pkgs. Description of Goods MARINA 10 HP, 1500 RPM, Diesel Engine Air Cooled, 1 Cylinder type with std accessories.		Quantity Nos 01	Rate Each 1350.00
					Amount US.Dollar 1350.00
Consignee UDDM GA 31555 U.S.A Consignee UDDM Ahmedabad INDIA		Total FOB J.N.P.T PORT Approx Freight Total C & F PORT SAVANNAH - GA -		US.Dollar US.Dollar U.S.A US.Dollar	1350.00 200.00 ----- 1550.00 -----
Amount Charged (INR) Total US.Dollar One thousand five hundred fifty only.				Total	

FOR, DEP AGRO MACHINERIES PVT. LTD.

Signature & Date


 2/6/11

Declaration:

 I declare that this invoice shows the actual price of the goods
 described and that all particulars are true and correct.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

The Honorable Jack Kingston
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Kingston:

Thank you for your July 28, 2011, letter forwarding correspondence from your constituent, Mr.

Mr. [redacted] expresses frustration about not being able to import a diesel (compression-ignition) engine through the United States Department of Homeland Security's Bureau of Customs and Border Protection (CBP) at the Port of Savannah. He also expresses concern about a possible fine and the seizure or destruction of the engine. In addition, Mr. [redacted] includes electronic mail from his customs broker, Elizabeth Hill, in which Ms. Hill indicates that the engine was not compliant with the requirements of the Clean Air Act. Ms. Hill indicates that the engine had not yet been "entered" or imported into the United States. Since the entry for the engine has not yet been made, EPA is unaware of the specifics concerning this matter. I will nonetheless try to clarify EPA's requirements and concerns regarding the importation of noncompliant vehicles and engines.

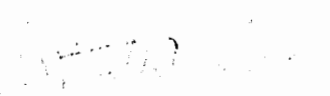
The Clean Air Act and implementing regulations require EPA certification for compression-ignition (e.g., diesel) engines, and equipment powered by such engines, imported or sold in the United States. EPA-certified compression ignition engines are required to bear an EPA emissions label, carry an EPA emissions warranty, and are subject to recall for emission-related defects. EPA emissions certification has been required for most compression-ignition engines since 1996. Manufacturers of compression-ignition engines are required to comply with the EPA certification requirements in order to demonstrate that their engines meet these standards.

EPA also has undertaken outreach and assistance efforts to inform potential importers about the requirements for legally bringing vehicles and engine-powered equipment into the United States. I am enclosing copies of an EPA Enforcement Alert entitled "EPA Enforcing Stringent Standards for All Nonroad Engines." This Enforcement Alert provides information about EPA requirements related to importation of nonroad engines and equipment. Contacts for further assistance are noted in the Enforcement Alert.

Although we have very limited information about Mr. [redacted] case, we would not object to the non-compliant engine being denied entry into the United States and shipped to another country.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Carolyn Levine, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-1859.

Sincerely,


Cynthia Giles

Enclosures

bcc: Carolyn Levine, OCIR/CA/WET

OECA-OAP-PLCD

Linda Huffman, OECA/IO

Office of Air and Radiation
Immediate Office

U.S. EPA Region 4
Immediate Office



Enforcement Alert

Volume 8, Number 2

Office of Civil Enforcement

September 2006

EPA Enforcing Stringent Standards for All Nonroad Engines

Agency Assesses \$819,000 in Penalties for More Than 55,000 Pieces of Illegal Equipment

Imports are surging, mostly from China, of small engines used in nonroad equipment such as small tractors, lawnmowers, off-road motorcycles and generators. A disturbing portion of these engines are not certified to meet emission standards under the Clean Air Act. The situation is made worse by the dramatic increase in the number of foreign manufacturers of the equipment and the increase in inexperienced U.S. companies and individuals who import it. Illegal equipment is being offered for sale to customers in this country through retail outlets and, increasingly, over the Internet. The U.S. Environmental Protection Agency (EPA) and the U.S. Customs and Border Protection (CBP) have teamed up to intercept this influx of illegal imports at the border.

The Clean Air Act (CAA) prohibits the manufacture or importation of all types of nonroad engines and equipment unless the engines are certified by EPA as meeting emission standards and display the appropriate EPA emissions label. Imported equipment containing nonroad engines that fail to meet all CAA requirements is subject to seizure and export outside of North America. The importer of such illegal equipment or engines will be required to pay a substantial penalty (as much as \$32,500 per engine).

EPA is strongly committed to enforcing its nonroad mobile source regulations. In cooperation with

CBP, the agency has stepped up interception of illegal imports. EPA has also increased its inspections nationwide at dealerships and of online companies that import and/or sell nonroad equipment. Over a recent ten-month period alone, EPA assessed \$819,155 in penalties for the importation

U.S. Nonroad Engine Requirements

- ◆ Engines must be certified by EPA to be in compliance with federal emission standards.
- ◆ An EPA emission label must be permanently affixed to each engine and be readily visible.
- ◆ EPA Declaration Form 3520-21 must be properly completed for imported engines.

the United States is caused by on-road and nonroad engines. These mobile sources of air pollution include cars, trucks and buses, as well as the wide range of gasoline and diesel engines found in nonroad equipment used in construction, agriculture, and lawn and garden equipment, in dirt bikes, and as marine engines. The air pollutants emitted by mobile sources include particulate matter, volatile organic compounds (VOC), air toxics and oxides of nitrogen (NOx). These pollutants cause serious health and environmental problems. They have been linked to many respiratory health problems, such as asthma, heart disease and cancer. Recent CAA emissions standards, in conjunction with advances in combustion technology and fuels, are significantly reducing these emissions. For example, certified engines now emit two to three times fewer emissions than uncertified engines.

For more pollutant information see <http://www.epa.gov/otaq/invntory/overview/pollutants/index.htm>

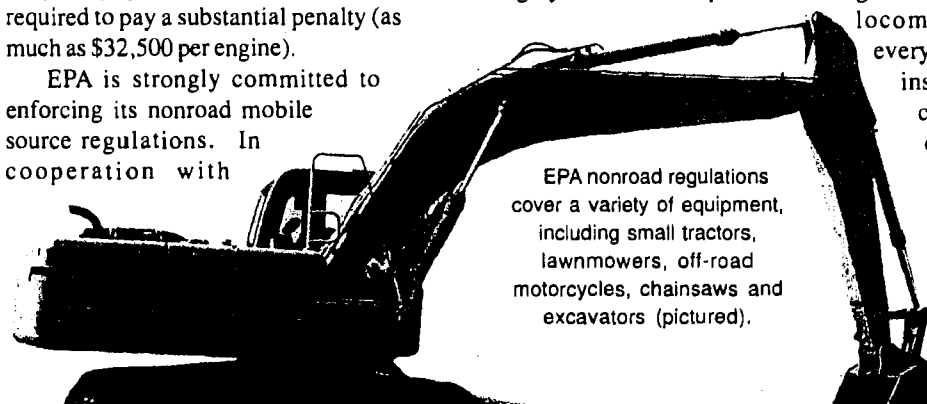
of 55,832 pieces of illegal nonroad equipment valued at nearly \$13 million.

Emissions Impact

Roughly half of the air pollution in

Nonroad Regulations

Regulated nonroad mobile sources are a highly diverse group of engines and equipment, ranging from small handheld gasoline engines used in garden equipment to very large locomotive diesel engines, and everything in between. (See Table 1 inside for an overview of these categories.) The regulations set emission limits for each category of nonroad engines and establish testing, certification, labeling, warranty, recall and record-keeping requirements. Some nonroad engine categories have phase-in



EPA nonroad regulations cover a variety of equipment, including small tractors, lawnmowers, off-road motorcycles, chainsaws and excavators (pictured).

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provisions and effective dates that vary by engine size. An engine must be certified by EPA that it meets emissions standards and must bear a permanently affixed EPA emissions label before it can be imported into the United States or produced domestically for use in this country. For more information on nonroad engines and the applicable federal regulations please see: <http://www.epa.gov/otaq/invntory/overview/examples.htm>

Please note that emissions certification requirements also apply to stationary diesel engines, and have been proposed for stationary gasoline engines. For more information, see <http://www.epa.gov/ttn/atw/nsps/cinsps/cinspspg.html> and <http://www.epa.gov/ttn/atw/nsps/sinsps/sinspspg.html>

Importer and Manufacturer Responsibility

Both the original engine manufacturer (the company that assembles the engine) and the importer are responsible for ensuring that engines imported to the United States comply with all certification standards and requirements. For example, importers and manufacturers are prohibited from importing or manufacturing engines that are not properly EPA-certified and labeled. EPA highly recommends that importers inspect the engines they intend to import to verify that they are EPA-certified and labeled. Importers are also responsible for ensuring that the engine manufacturer will honor the emissions warranty. (This warranty is separate and apart from any other manufacturer warranty.) Depending on engine type and size, the warranty period may vary from two to five years. The importer also bears responsibility for any requirements not met by the original engine manufacturer. For more information, see:

<http://epa.gov/otaq/imports>

Table 1: Nonroad Engine Regulations

CATEGORY	DESCRIPTION	SIZE	MODEL YEAR*
Locomotive Engines 40 CFR Part 92	Engines built or rebuilt	All	2000
Marine Diesel Engines 40 CFR Part 94	Commercial ships, recreational diesel	50 Hp	2004
Diesel Engines 40 CFR Parts 89, 1039, 1068	Farm, construction, mining	All	1996
Marine Gas Engines 40 CFR Part 91	Boats (outboard engines), personal watercraft (jet skis)	All All	1998 1999
Recreational Vehicles 40 CFR Parts 1051, 1068	Snowmobiles, dirt bikes, all terrain vehicles	All	2005
Small Gas Engines 40 CFR Part 90	Lawn mowers, chainsaws, generators, pumps	< 25 Hp	1997
Large Gas Engines 40 CFR Parts 1048, 1068	Forklifts, generators, mini vehicles	> 25 Hp	2004

* Engines must be certified by EPA to meet emissions standards beginning on the model year.

Importer Must Complete EPA Declaration Form

Importers of gasoline and diesel-powered nonroad equipment must demonstrate that the engines comply with all applicable standards and requirements. As part of this process, they must complete EPA Declaration Form 3520-21, which requires confirmation of EPA certification or a description of the applicable exemption. Form 3520-21 must be submitted to CBP upon request along with other CBP entry documents; see 42 U.S.C. § 7601, and 19 C.F.R. § 12.74.

The importer must also present the completed form to EPA officials upon request and retain a copy for five years after

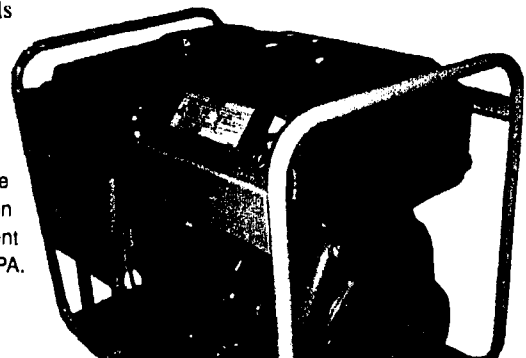
importation. Some exemptions require EPA approval before importation. The importer Form 3520-21, with instructions, is available at: <http://www.epa.gov/otaq/imports/forms/3520-21.pdf>

Emissions Certification Requirements

EPA emissions certification requirements apply to engines manufactured in the United States and to engines that are imported for sale in this

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Mobile generators are among the most common types of nonroad equipment regulated by EPA.



country. Ordinarily, the engine manufacturer, not the importer, obtains EPA certification for imported engines. However, an engine importer also may apply to EPA for a certificate if the importer assumes all the responsibilities of the manufacturer.

For specific citations for each nonroad regulation refer to Table 1. For certification requirements, refer to Table 2.

Enforcement Process When an Importation Violation is Found

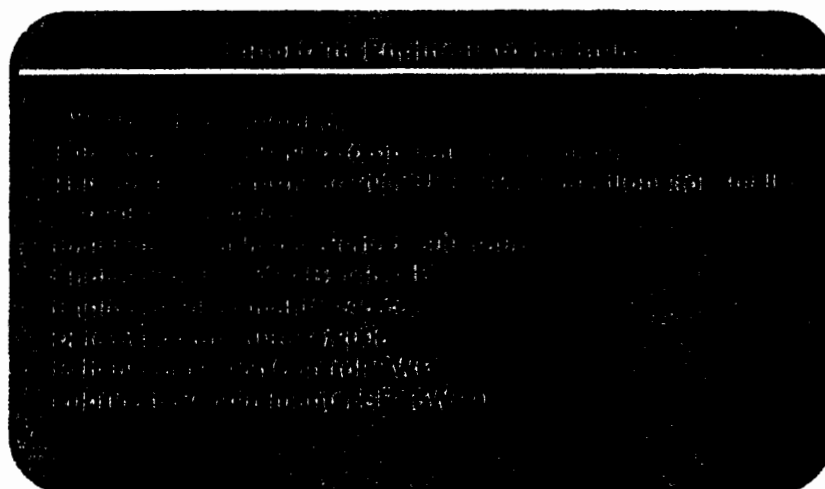
When EPA or CBP determines that imported equipment does not meet the EPA emissions certification requirements, CBP detains or seizes the equipment. EPA and CBP then coordinate on enforcement to address the CAA violations, including collection of a penalty and exportation of the illegal equipment. The maximum penalty is \$32,500 for each illegal engine, although penalties may be reduced for first-time violators and for importers who voluntarily disclose and remedy the violation and all prior violations. CBP or EPA may also initiate a criminal action against an importer who knowingly makes false or fraudulent statements, or who omits material information required in CBP entry documents. Persons who commit these crimes are subject to a fine of up to \$250,000 or imprisonment for up to two years, or both, see 42 U.S.C. § 7413(c) (2).

Don't Let This Happen to You ...

♦ An owner of a business in Florida was sentenced to six months house arrest and two years probation for attempting to smuggle generators with uncertified gasoline and diesel engines into Port Everglades and Miami. The owner forfeited the generators valued at \$26,885. For more information on this case, see: <http://www.usdoj.gov/usao/fls/PressReleases/060504-01.html>

♦ A company in Puerto Rico paid a civil penalty of \$100,000 for importing more than 2,000 uncertified and unlabeled diesel and gasoline generators. The generators were seized

Sample Emission Label for Small Gasoline Engines



by CBP during September 2005. The company had declared, without proof, that regulated mobile generators were for unregulated stationary use.

♦ A company in Ohio paid a civil penalty of \$86,000 to EPA and CBP for importing seven uncertified and falsely labeled pieces of nonroad construction equipment with large diesel engines. The company had claimed the equipment was certified.

♦ A company in North Carolina paid a civil penalty of \$62,000 for importing forty-three uncertified and unlabeled small diesel tractors. Three of the tractors were seized by CBP in Portland, Ore., in January 2006. The company had claimed the tractors were certified.

For more information on Mobile Source Importation Settlements, see: <http://cfpub.epa.gov/compliance/civil/programs/caa/importation/>

Compliance Assistance

EPA is also committed to providing compliance assistance and outreach to the regulated community so that the public and the environment can be protected from the harmful health effects of emissions from illegal nonroad equipment. For more information, see: <http://www.epa.gov/compliance/monitoring/programs/caa/mobile.html> and <http://www.epa.gov/OTAQ/actions.htm> and <http://www.epa.gov/otaq/nonroad.htm>

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**Table 2:
General Emissions
Certification Steps**

- ♦ Register with EPA
- ♦ Conduct emissions testing of prototypes
- ♦ Submit certification applications to EPA each year for each engine family in order to obtain an EPA certificate
- ♦ Build and label to the certified specifications
- ♦ Conduct emissions tests on production vehicles if EPA orders
- ♦ Provide warranty information and maintenance instructions to purchasers
- ♦ Conduct and pay for emissions warranty repairs
- ♦ Submit defect reports and conduct recalls, if necessary

For more certification information contact the Imports and Certification Hotline (734) 214-4100 or <http://www.epa.gov/otaq/certdata.htm>

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Policies That Reward Compliance

EPA has two policies that reward companies that bring themselves into compliance with environmental laws. Both EPA's Incentives for Self-Policing, Discovery, Disclosure, Correction and Prevention of Violations (Audit Policy) and its Policy on Compliance Incentives for Small Businesses (Small Business Policy) encourage greater compliance and environmental audits by substantially reducing or eliminating penalties for entities that voluntarily discover, disclose and expeditiously correct violations of environmental law. For more information, see the following websites:

<http://www.epa.gov/compliance/incentives/auditing/auditpolicy.html>

<http://www.epa.gov/compliance/incentives/smallbusiness/index.html>

Frequently Asked Questions

Question: Does a missing EPA label on a nonroad diesel or gasoline engine matter?

Answer: Yes. If an engine is not properly labeled, the engine is presumed to be uncertified. Therefore, the importer would not be permitted to import the engine or sell it in the U.S.

Question: May an uncertified engine with similar or even identical emission

characteristics as a certified engine be legally imported as "certified?"

Answer: No. Manufacturers may produce uncertified versions of engines that are identical to United States' certified versions as long as the engines are not intended for the U.S. market. These engines are not legal for importation into this country because they are not produced under an EPA-issued certificate, are not properly labeled, do not have the required EPA emissions warranty, and are not subject to EPA audits during manufacturing and potential recall for defects.

Question: May an uncertified engine be imported for export without documenting that the engine is merely making an intermediate stop and without posting of a bond?

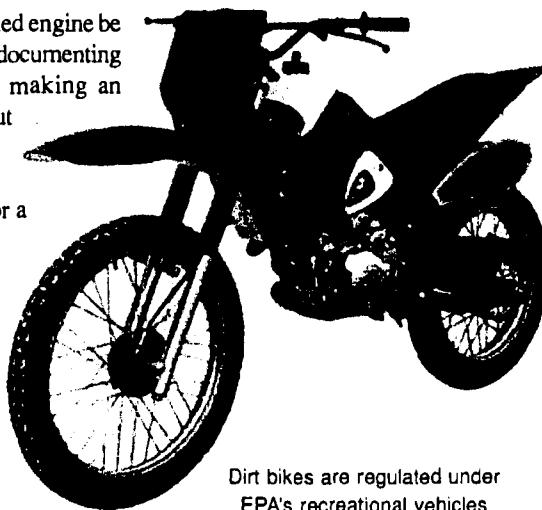
Answer: No. Uncertified engines that are destined for a foreign country must be labeled for export on the engine and the container. An EPA Declaration Form 3520-21 must be completed and an appropriate bond must be paid.



Report a Violation!

Protecting the environment is everyone's responsibility. Help EPA fight pollution by reporting potential environmental violations

www.epa.gov/compliance



Dirt bikes are regulated under EPA's recreational vehicles provisions, 40 CFR parts 1051 and 1068.

About Enforcement Alert

Enforcement Alert is published periodically by EPA's Office of Enforcement and Compliance Assurance, Office of Civil Enforcement, to inform the public and regulated community about environmental enforcement issues, trends and significant enforcement actions. This information should help the regulated community avoid violations of federal environmental law. Please reproduce and share this publication. To receive this newsletter electronically, see www.epa.gov/compliance/resources/newsletters/civil-enfalert/index.html

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Fax requests to (732) 214-
IMPO (4676)

Important Information:
[www.epa.gov/otaq/imports/
index.htm](http://www.epa.gov/otaq/imports/index.htm)

Certification Test Results:
www.epa.gov/otaq/crttest.htm
Nonroad Certification Data:
[www.epa.gov/otaq/
certdata.htm](http://www.epa.gov/otaq/certdata.htm)

Other Resources

CBP (Customs/Imports)
www.cbp.gov

California Air Resources Board
The State of California has
separate emissions certifications
requirements for nonroad
engines.
General Number (800) 242-4450

Disclaimer

This document attempts to clarify in plain language some EPA provisions. Nothing in this Enforcement Alert revises or replaces any regulatory provision in the cited part, any other part of the Code of Federal Regulations, the Federal Register or the Clean Air Act, as amended. For more information: www.epa.gov/compliance